

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
NOV 17 2008
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHN KRAUSHAAR, JR and KYLE)
KRAUSHAAR,)
)
Respondents.)

AC 09-17
(IEPA No. 293-08-AC)

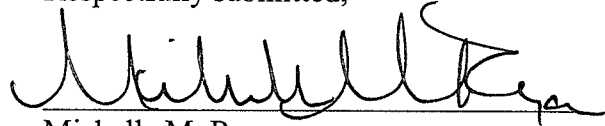
NOTICE OF FILING

To: John Kraushaar, Jr.
531 W. Bridgeport Street
White Hall, IL 62092

Kyle Kraushaar
225 East Sherman Street
White Hall, IL 62092

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled MOTION TO DISMISS.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: November 12, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
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v.)
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JOHN KRAUSHAAR, JR. and KYLE)
KRAUSHAAR,)
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MOTION TO DISMISS
ADMINISTRATIVE CITATION

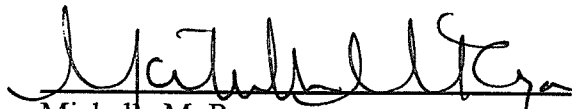
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On October 14, 2008, the Illinois EPA issued an Administrative Citation to Respondents John Kraushaar, Jr. and Kyle Kraushaar, based on an inspection conducted on September 3, 2008.
- (2) On November 2, 2008, the Administrative Citations were sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (3) Because John Kraushaar, Jr. and Kyle Kraushaar, were not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against John Kraushaar, Jr. and Kyle Kraushaar,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: November 12, 2008

A handwritten signature in black ink, appearing to read "Michelle M. Ryan". The signature is written in a cursive style with a horizontal line underneath it.

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

PROOF OF SERVICE

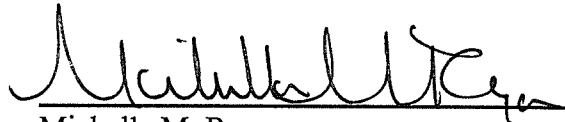
I hereby certify that I did on the 12th day of November 2008, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: John Kraushaar, Jr.
531 W. Bridgeport Street
White Hall, IL 62092

Kyle Kraushaar
225 East Sherman Street
White Hall, IL 62092

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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