BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

	ADMINISTRATIVE CITATIO	N RECEIVED CLERK'S OFFICE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	JUN 1 7 2013
Complainant,)	AC STATE OF ILLINOIS Pollution Control Board
v.) ,	(IEPA No. 123-13-AC)
GLAY McMILLEN,)	
Respondent.)	
	NOTICE OF FILING	ORIGINAL
To: Glay McMillen 4462 Coulter Roa	d	¥

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

Oakley, IL 62561

Dated: June 13, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

	ADMINISTRATIVE CITATION	CLERK'S OFFICE
		JUN 1 7 2013
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	L)	STATE OF ILLINOIS Pollution Control Board
Complainant,) AC 13.4	54
v.) (IEPA No. 12	23-13-AC)
GLAY McMILLEN,)	
Respondent.)	

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:

- On May 30, 2013, the Illinois EPA issued an Administrative Citation to the Respondent Glay McMillen, based on an inspection conducted on April 11, 2013.
- (2) To date, the Illinois EPA has not received the AC packet back from the United States Postal Service nor is there any record of this AC having been served on the Respondent. Additionally, an attempt to hand-deliver the Administrative Citation, for personal service on Mr. McMillen, by Champaign Regional Office Inspector, Dustin Burger, was unsuccessful.

(3) Because Glay McMillen was 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 Glay McMillen.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

DATED: June 13, 2013

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 13th day of June 2013, 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: Glay McMillen 4462 Coulter Road Oakley, IL 62561 JUN 17 2013
STATE OF ILLINOIS
Pollution Control Board

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail, 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

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