

DAVID N. STANTON
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MARTIN M. BELTZ
DAVID H. SEARBY, JR.
Assistant State's Attorneys

June 25, 2013

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STATE OF ILLINOIS
Pollution Control Board

Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

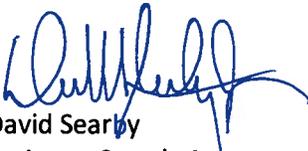
RE: Administrative Citation – Perry County, Cutler/Indiana Properties, Inc.
Site Code: 1450055027
Inspection Date: April 15, 2013
AC 13-47

 ORIGINAL

Dear Clerk:

Enclosed herewith you will find the original and nine (9) copies of the Motion to Withdraw Administrative Citation in the above-referenced matter.

Sincerely,



David Searby
Assistant State's Attorney
Perry County, Illinois

Enclosures

cc: Rebecca Tracy, Perry County Solid Waste w/enclosures
IEPA Springfield (Ellen Robinson w/enclosures)
IEPA Marion (Sheila Williams w/enclosures)
Village of Cutler w/enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)	
)	
Complainant,)	AC 13 -47
vs.)	
)	
Indiana Properties, Inc., c/o Registered Agent,)	
Kerry Baba,)	
Respondent.)	

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**MOTION TO WITHDRAW
ADMINISTRATIVE CITATION**

NOW COMES, the Complainant, County of Perry, by and through its attorney, Assistant State's Attorney, David Searby, and respectfully states as follow:

1. On May 23, 2013, an Administrative Citation was filed with the Illinois Pollution Control Board, wherein the named Respondent is Indiana Properties, Inc., c/o Registered Agent, Kerry Baba. This Administrative Citation was based on an inspection performed April 15, 2013.
2. Pursuant to 35 Ill. Adm. Code 101.300, service of an Administrative Citation must be accomplished within 60 days of the date of the inspection.
3. Service was not obtained on the Respondent within 60 days of the date of the inspection.
4. Furthermore, newly-discovered circumstances surrounding this case indicate that it is appropriate to withdraw this Administrative Citation against Respondent, Indiana Properties, Inc., c/o Registered Agent Kerry Baba.

WHEREFORE, the County of Perry requests that the Board dismiss the pending action against all Respondents.



 David Searby, Assistant State's Attorney
 Perry County, Illinois

CERTIFICATE OF SERVICE

I hereby certify that I did on the 27th day of June 2013, transmit the foregoing instrument, with postage

thereon fully prepaid to:

Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

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JUL 01 2013

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