

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

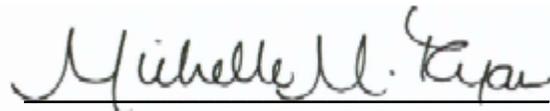
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-57
)	
v.)	(IEPA No. 122-07-AC)
)	
BERNARD KOTTER,)	
)	
Respondent.)	

NOTICE OF FILING

To: Bernard Kotter
114 East 5th Street
Karkak, IL 62956

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

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

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

Dated: July 9, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-57
)	
v.)	(IEPA No. 122-07-AC)
)	
BERNARD KOTTER,)	
)	
Respondent.)	

**MOTION TO DISMISS
ADMINISTRATIVE CITATION**

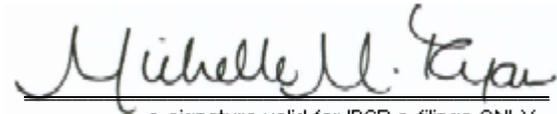
NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

1. On May 3, 2007, the Illinois EPA issued an Administrative Citation to Respondent Bernard Kotter, based on an inspection conducted on March 22, 2007.
2. Illinois EPA attempted to deliver the Administrative Citation via certified mail. However, service was not successful on or prior to the deadline of May 22, 2007 .
3. Because Bernard Kotter 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 Bernard Kotter.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: July 9, 2007

A handwritten signature in black ink that reads "Michelle M. Ryan". The signature is written in a cursive style and is positioned above a horizontal line.

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Michelle M. Ryan
Special Assistant Attorney General

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 9th day of July, 2007, 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 ADMINISTRATIVE CITATION

To: Bernard Kotter
114 East 5th Street
Karkak, IL 62956

and an electronic copy of the same foregoing instrument on the same date via electronic filing

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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Springfield, Illinois 62794-9276
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