

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

SEP 25 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
EUWELL and PHYLLIS BEERS, and )  
JEREMY BEERS, )  
 )  
Respondents. )

AC 09-06

(IEPA No. 137-08-AC)

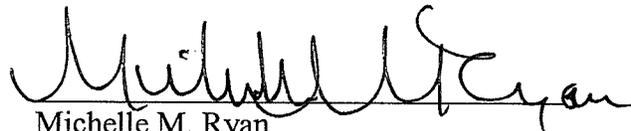
**NOTICE OF FILING**

To: Phyllis Beers  
3825 48<sup>th</sup> Ave. N  
St. Petersburg, FL 33714

Jeremy Beers  
15281 Lighthouse Road  
Pittsburg, IL 62974

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: September 23, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

SEP 25 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
EUWELL and PHYLLIS BEERS, and )  
JEREMY BEERS, )  
) )  
Respondents. )

AC 09-06

(IEPA No. 137-08-AC)

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:

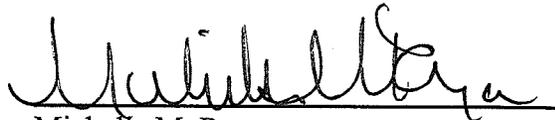
- (1) On July 28, 2008, the Illinois EPA filed an Administrative Citation against Respondents EUWELL and PHYLLIS BEERS, and JEREMY BEERS, based on an inspection conducted on June 19, 2008.
- (2) Respondent EUWELL BEERS is deceased, and therefore this Administrative Citation should be dismissed as to him.
- (3) The Administrative Citation addressed to Respondent JEREMY BEERS was returned to the Illinois EPA from the United States Postal Service, as unclaimed.
- (4) Because Respondent JEREMY BEERS was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed as to him.

(5) Based on newly-discovered circumstances surrounding this case, Illinois EPA believes that it is now appropriate to dismiss this Administrative Citation against Respondent PHYLLIS BEERS, as well.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against all Respondents.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,

DATED: September 23, 2008

A handwritten signature in black ink, appearing to read "Michelle M. Ryan", written over a horizontal line.

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**

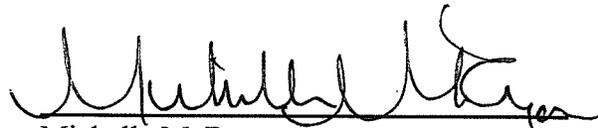
I hereby certify that I did on the 23<sup>rd</sup> day of September, 2008, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: Phyllis Beers  
3825 48<sup>th</sup> Ave. N  
St. Petersburg, FL 33714

Jeremy Beers  
15281 Lighthouse Road  
Pittsburg, IL 62974

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