

Electronic Filing - Received, Clerk's Office, October 14, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

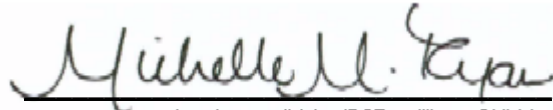
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 08-32
)	
v.)	(IEPA No. 73-08-AC)
)	
JOSEPH FLICK,)	
)	
Respondent.)	

NOTICE OF FILING

To: Joseph Flick
315 Vine Street
Cobden, Illinois 62920

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 FOR RECONSIDERATION.

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: October 14, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 08-32
)	
v.)	(IEPA No. 73-08-AC)
)	
JOSEPH FLICK,)	
)	
Respondent.)	

MOTION FOR RECONSIDERATION

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 101.520 and 101.902, and respectfully states as follows:

(1) On May 28, 2008, Illinois EPA issued an Administrative Citation to Respondent, Joseph Flick, based on an inspection conducted on May 5, 2008.

(2) Attached to this motion is a copy of the Certified Mail receipt indicating that Respondent was timely served on May 31, 2008. This Administrative Citation was uncontested.

(3) On September 4, 2008, the Board issued a final order, dismissing this case for the delay in filing proof of service. This order was received by Illinois EPA on September 10, 2008.

(4) Illinois EPA sincerely regrets any inconvenience to the Board caused by the delay in filing proof of service in this case. Various issues internal to Illinois EPA contributed to the timing of filing of this information, and measures have been taken to avoid this problem in the future.

(5) Pursuant to 35 Ill. Adm. Code 108.406, as a non-contested Administrative Citation, the Board should issue an order assessing penalties consistent with 35 Ill. Adm. Code 108.500(a)(1).

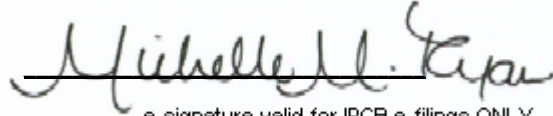
WHEREFORE, Illinois EPA requests that the Board reconsider its September 4, 2008 order

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based on the new evidence herein contained, and issue a default order against Respondent Joseph Flick.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: October 14, 2008

A handwritten signature in black ink, appearing to read "Michelle M. Ryan", is written over a horizontal line. The signature is cursive and somewhat stylized.

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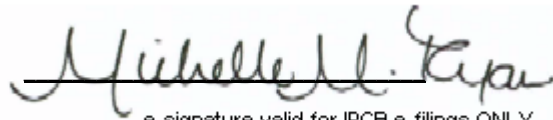
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CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument entitled MOTION FOR RECONSIDERATION are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

A handwritten signature in black ink, reading "Michelle M. Ryan", is written over a horizontal line. The signature is cursive and appears to be a scan of a physical document.

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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

Dated: October 14, 2008

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature X <i>Joe Flick</i> <input type="checkbox"/> Agent Addresssee</p> <p>B. Received by (Printed Name) Joe Flick C. Date of Delivery 5/31/08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
1. Article Addressed to: <i>Joseph Flick 315 Vine Street Cobden, IL 62920</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
(73-08) 2. Article Number (Transfer from service label) 7004-2510 0001 8618-8203	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

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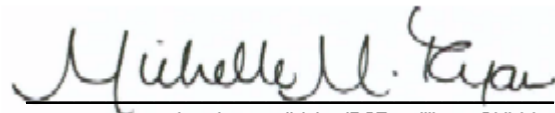
PROOF OF SERVICE

I hereby certify that I did on the 14th day of October, 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 FOR RECONSIDERATION

To: Joseph Flick
315 Vine Street
Cobden, Illinois 62920

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

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



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Michelle M. Ryan
Special Assistant Attorney General

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