

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

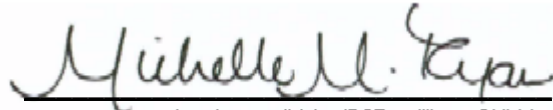
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 08-34
	)	
v.	)	(IEPA No. 75-08-AC)
	)	
JOSEPH COMBS,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Joseph Combs  
260 Isreal Street  
White Hall, IL 62092

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 22, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 08-34
	)	
v.	)	(IEPA No. 75-08-AC)
	)	
JOSEPH COMBS,	)	
	)	
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 June 17, 2008, Illinois EPA issued an Administrative Citation to Respondent, Joseph Combs, based on an inspection conducted on April 22, 2008.

(2) Attached to this motion is a copy of the Certified Mail receipt indicating that Respondent was served and signed for the Administrative Citation. The date of service is not evident from the card, and the information is not available on the U.S. Postal Service website. However, the card itself was postmarked “June 19, 2008” for its return to Illinois EPA. This indicates that the actual date of service could have been no later than June 19, 2008, and therefore Respondent was timely served.

(3) This Administrative Citation was uncontested.

(4) On September 16, 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 18, 2008.

**Electronic Filing - Received, Clerk's Office, October 22, 2008**

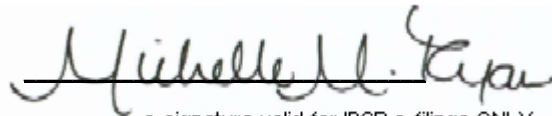
(5) Illinois EPA sincerely regrets any inconvenience to the Board caused by the delay in filing proof of service in this case. Various issues internal to Illinois EPA contributed to the timing of filing of this information, and measures have been taken to avoid this problem in the future.

(6) 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 16, 2008 order based on the new evidence herein contained, and issue a default order against Respondent Joseph Combs.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: October 22, 2008



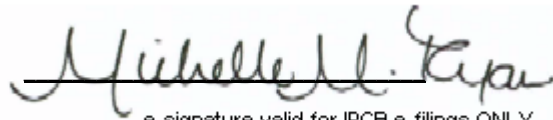
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**CERTIFICATION**

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.

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 22, 2008

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>Joe Combs</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Joseph Combs 260 Isreal Street White Hall, IL 62092	B. Received by (Printed Name) C. Date of Delivery <i>Joe Combs</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, February 2004	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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
Domestic Return Receipt	7004 2510 0001 8618 8302 102595-02-M-1540

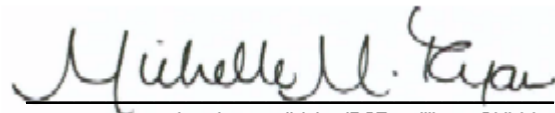
**PROOF OF SERVICE**

I hereby certify that I did on the 22<sup>nd</sup> 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 Combs  
260 Isreal Street  
White Hall, IL 62092

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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Special Assistant Attorney General

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