

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

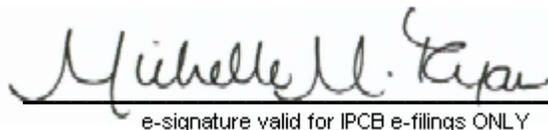
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 08-36
)	
v.)	(IEPA No. 78-08-AC)
)	
CHARLES F. KINSEL,)	
)	
Respondent.)	

NOTICE OF FILING

To: Charles F. Kinsel
14998 N. Shelby Road
Lewistown, IL 61542

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 08-36
)	
v.)	(IEPA No. 78-08-AC)
)	
CHARLES F. KINSEL,)	
)	
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 16, 2008, Illinois EPA issued an Administrative Citation to Respondent, Charles F. Kinsel, based on an inspection conducted on May 13, 2008.

(2) Attached to this motion is a copy of the Certified Mail receipt indicating that Respondent was timely served on June 28, 2008.

(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.

(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.

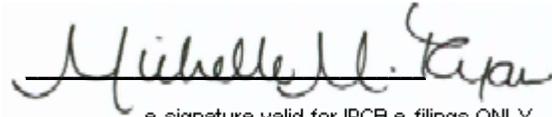
(6) Pursuant to 35 Ill. Adm. Code 108.406, as a non-contested Administrative Citation, the Board should issue an order assessing penalties consistent with 35 Ill. Adm. Code 108.500(a)(1).

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

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 Charles Kinsel.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: October 22, 2008

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

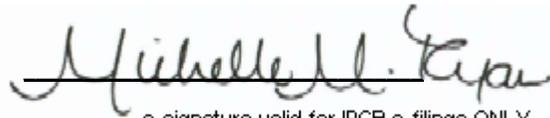
e-signature valid for IPCB e-filings ONLY

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

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

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
<p><input checked="" type="checkbox"/> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Charles Kinsel 14998 N Shelby Road Lewistown, IL 61542</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>x Hannah Kinsel</i></p> <p>B. Received by (Printed Name) <i>Hannah Kinsel</i></p> <p>C. Date of Delivery <i>10/22/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article Number <i>(Transfer from service label)</i>	7004 2510 0001 8618 8289
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

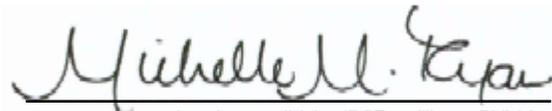
PROOF OF SERVICE

I hereby certify that I did on the 22nd 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: Charles F. Kinsel
14998 N. Shelby Road
Lewistown, IL 61542

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



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