

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,) AC 11-07
)
v.) (IEPA No. 232-10-AC)
)
MARION METAL & ROOFING and)
C & T RECYCLING,)
)
Respondents.)

NOTICE OF FILING

To: Todd and Tabatha Booten
C & T Recycling
3302 Water Tower Road
Marion, Illinois 62959

William P. Novick, Esq.
501 West DeYoung, Suite 1
P.O. Box 1083
Marion, Illinois 62959

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 WITHDRAW ADMINISTRATIVE CITATION.

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: September 23, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 11-07
)	
v.)	(IEPA No. 232-10-AC)
)	
MARION METAL & ROOFING and)	
C & T RECYCLING,)	
)	
Respondents.)	

MOTION TO WITHDRAW
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 101.500, and respectfully states as follows:

(1) On August 9, 2010, Illinois EPA issued an Administrative Citation to two Respondents, Marion Metal & Roofing and C & T Recycling, based on an inspection conducted on July 1, 2010.

(2) On September 13, 2010, both Respondents filed separate petitions for review contesting this Administrative Citation.

(3) Among the issues raised in the petition for review filed by Marion Metal & Roofing is that it is not the current owner of the property.

(4) Among the issues raised in the petition for review filed by C & T Recycling is that it is “not a corporation.”

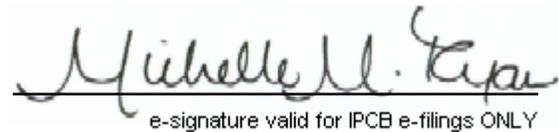
(5) On September 16, 2010, the Illinois Pollution Control Board (“Board”) issued an order in this case accepting the petition of Marion Metal & Roofing and giving C & T Recycling leave to file an amended petition through an attorney.

(6) In addition, facts and circumstances discovered since the filing of the Administrative Citation indicate that it is appropriate to withdraw this Administrative Citation at this time.

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, 2010



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Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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PROOF OF SERVICE

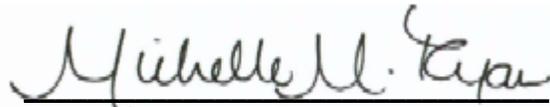
I hereby certify that I did on the 23rd day of September, 2010, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO WITHDRAW ADMINISTRATIVE CITATION

To: Todd and Tabatha Booten
C & T Recycling
3302 Water Tower Road
Marion, Illinois 62959

William P. Novick, Esq.
501 West DeYoung, Suite 1
P.O. Box 1083
Marion, Illinois 62959

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

To: John Therriault, 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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