

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

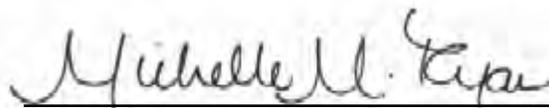
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 11-26
)	
v.)	(IEPA No. 100-11-AC)
)	
ESTATE OF KENNETH D. BERHENKE,)	
)	
Respondent.)	

NOTICE OF FILING

To: Estate of Kenneth D. Berhenke
c/o Mike Berhenke
P.O. Box 221
Andalusia, Illinois 61232

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: August 11, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 11-26
)	
v.)	(IEPA No. 100-11-AC)
)	
ESTATE OF KENNETH D. BERHENKE,)	
)	
Respondent.)	

COMPLAINANT'S MOTION TO WITHDRAW ADMINISTRATIVE CITATION

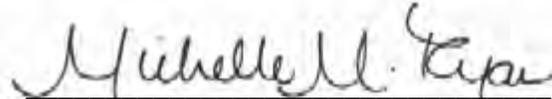
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.500, and respectfully states as follows:

- (1) On May 10, 2011, Illinois EPA issued an Administrative Citation to Respondent, Estate of Kenneth D. Berhenke ("Respondent"), based on an inspection conducted on March 16, 2011.
- (2) On June 6, 2011, Respondent filed a timely petition for review contesting this Administrative Citation.
- (3) Based upon facts and circumstances discovered since the filing of the Administrative Citation, Illinois EPA has determined that it is prudent to withdraw this Administrative Citation at this time.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent Estate of Kenneth D. Berhenke.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: August 11, 2011



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Michelle M. Ryan
Special Assistant Attorney General

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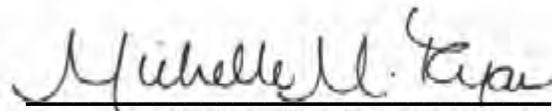
PROOF OF SERVICE

I hereby certify that I did on the 11th day of August, 2011, 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: Estate of Kenneth D. Berhenke
c/o Mike Berhenke
P.O. Box 221
Andalusia, Illinois 61232

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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