

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-010
)	
v.)	(IEPA No. 32-18-AC)
)	
DG PARTNERS LLC; an Illinois limited)	
liability company, CISSELL-MUELLER)	
CONSTRUCTION INC; a Missouri)	
corporation, and CLIFFORD M)	
KOLTZENBURG and CHRIS S)	
KOLTZENBURG, individually and d/b/a K)	
& N EXCAVATING)	
)	
Respondents.)	

NOTICE OF FILING

To: DG Partners LLC
Registered Agent: SCW Registered Agent, Inc.
8909 Ladue Road
St. Louis, MO 63124

Clifford M. Koltzenburg
116 Wabash Ave.
Carthage, IL 62321

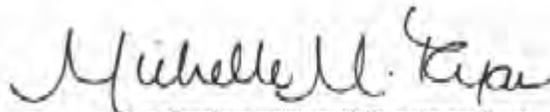
Cissell-Mueller Construction, Inc.
Registered Agent: Duane A. Mueller
530 Salt River Road
St. Peters, MO 63376

Chris S. Koltzenburg
2260 Coal Road
Colchester, IL 62326

K & N Excavating
2405 E US Highway 136
Carthage, IL 62321

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled MOTION TO DISMISS RESPONDENTS CISSELL-MUELLER CONSTRUCTION INC, CLIFFORD M KOLTZENBURG and CHRIS S KOLTZENBURG, individually and d/b/a K & N EXCAVATING

Respectfully submitted,



e-signature valid for IPCC 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: April 12, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2018-010
)	
v.)	(IEPA No. 32-18-AC)
)	
DG PARTNERS LLC; an Illinois limited)	
liability company, CISSELL-MUELLER)	
CONSTRUCTION INC; a Missouri)	
corporation, and CLIFFORD M)	
KOLTZENBURG and CHRIS S)	
KOLTZENBURG, individually and d/b/a K)	
& N EXCAVATING)	
)	
Respondents.)	

MOTION TO DISMISS RESPONDENTS
CISSELL-MUELLER CONSTRUCTION INC; a Missouri corporation,
and CLIFFORD M KOLTZENBURG and CHRIS S KOLTZENBURG,
individually and d/b/a K & N EXCAVATING

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

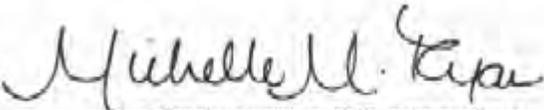
- (1) On March 15, 2018, Illinois EPA issued an Administrative Citation to Respondents DG Partners LLC, Cissell-Mueller Construction Inc., Clifford M. Koltzenburg and Chris S. Koltzenburg, individually and d/b/a K & N Excavating based on an inspection conducted on January 25, 2018.
- (2) On March 21, 2018, service was timely made on Respondent DG Partners LLC.
- (3) Proof of service is not available for Respondents Cissell-Mueller Construction, Clifford M. Koltzenburg, and Chris S. Koltzenburg, individually and d/b/a K & N Excavating.
- (4) Because Illinois EPA cannot demonstrate that Respondents Cissell-Mueller Construction, Clifford M. Koltzenburg, and Chris S. Koltzenburg, individually and d/b/a K & N

Excavating were timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action as to Respondents Cissell-Mueller Construction, Clifford M. Koltzenburg, and Chris S. Koltzenburg, individually and d/b/a K & N Excavating.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: April 12, 2018



Michelle M. Ryan

e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

PROOF OF SERVICE

I hereby certify that I did on the 12th day of April 2018, 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 DISMISS RESPONDENTS CISELL-MUELLER CONSTRUCTION INC, CLIFFORD M KOLTZENBURG and CHRIS S KOLTZENBURG, individually and d/b/a K & N EXCAVATING

To: DG Partners LLC
Registered Agent: SCW Registered Agent, Inc.
8909 Ladue Road
St. Louis, MO 63124

Clifford M. Koltzenburg
116 Wabash Ave.
Carthage, IL 62321

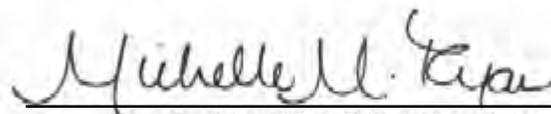
Cissell-Mueller Construction, Inc.
Registered Agent: Duane A. Mueller
530 Salt River Road
St. Peters, MO 63376

Chris S. Koltzenburg
2260 Coal Road
Colchester, IL 62326

K & N Excavating
2405 E US Highway 136
Carthage, IL 62321

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

To: Don Brown, 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