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SEP 17 2003

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JERRY SUMMERS,

Respondent.

AC 04-05

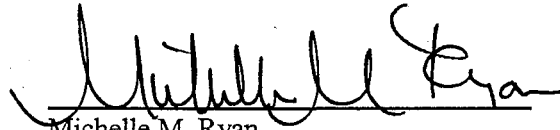
(IEPA No. 389-03-AC)

NOTICE OF FILING

To: Jerry Summers
Rural Route 1, Box 144
Vandalia, Illinois 62471

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.

Respectfully submitted,



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 12, 2003

SEP 17 2003

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JERRY SUMMERS,)
)
Respondent.)

AC 04-05

(IEPA No. 389-03-AC)

STATE OF ILLINOIS
Pollution Control Board

MOTION TO DISMISS
ADMINISTRATIVE CITATION

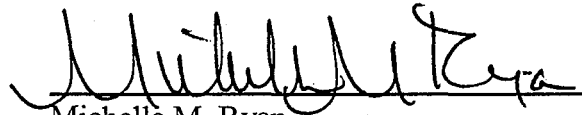
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On August 1, 2003, Illinois EPA issued an Administrative Citation to Respondent Jerry Summers, based on an inspection conducted on June 3, 2003.
- (2) On August 22, 2003, the certified mail package was returned to Illinois EPA as unclaimed.
- (3) Because Jerry Summers was not 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 against Respondent Jerry Summers.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: September 12, 2003



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

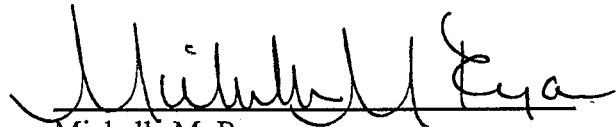
PROOF OF SERVICE

I hereby certify that I did on the 12th day of September, 2003, 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

To: Jerry Summers
Rural Route 1, Box 144
Vandalia, Illinois 62471

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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