

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
SHARYN FULLER and CARL BENEDICT )  
d/b/a Benedict Auto Sales, )  
 )  
Respondents. )

AC 04-60

(IEPA No. 250-03-AC)

**RECEIVED**  
CLERK'S OFFICE

**JUN 25 2004**

STATE OF ILLINOIS  
Pollution Control Board

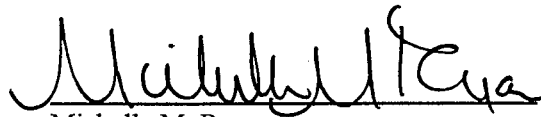
NOTICE OF FILING

To: Carl Benedict  
2500 West Farmington Road  
West Peoria, Illinois 61604

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board -  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

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 ADMINISTRATIVE CITATION.

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: June 23, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
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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:

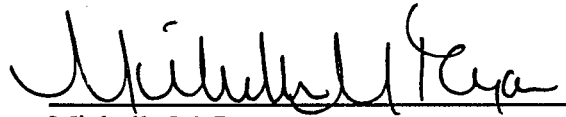
- (1) On March 31, 2004, Illinois EPA issued an Administrative Citation to Respondents SHARYN FULLER and CARL BENEDICT d/b/a Benedict Auto Sales, based on an inspection conducted on March 2, 2004.
- (2) On April 2, 2004, service was made on Respondent Carl Benedict by certified mail. Illinois EPA was unable to serve Respondent Sharyn Fuller, as she has apparently left her last known address with no forwarding information.
- (3) Because Sharyn Fuller was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed as to her.
- (4) On May 10, 2004, Carl Benedict filed a petition for review, which was amended on June 21, 2004.

(5) Since the filing of the petition for review, Illinois EPA has uncovered additional facts relating to the violations cited against the remaining Respondent in this Administrative Citation. Based on its review of this information, Illinois EPA believes it is now appropriate to dismiss this Administrative Citation as to all Respondents.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondents.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,

DATED: June 23, 2004



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**

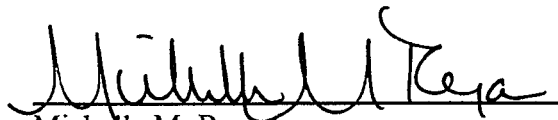
I hereby certify that I did on the 23<sup>rd</sup> day of June, 2004, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS ADMINISTRATIVE CITATION

To: Carl Benedict  
2500 West Farmington Road  
West Peoria, Illinois 61604

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

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