

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT 18 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
LISA MADIGAN, Attorney General of )  
the State of Illinois, )  
Complainant, )  
vs )  
RANDY OLDENBERGER, d/b/a )  
ENVIRONMENTAL HEALTH & SAFETY, )  
Respondent. )

PCB No. 05-51

(Enforcement-Air)

**NOTICE OF FILING**

TO: Zemeheret Bereket-AB                      Bradley P. Halloran  
Assistant Attorney General                  Hearing Officer  
Environmental Bureau                          Illinois Pollution Control Board  
188 W. Randolph St., 20<sup>th</sup> Flr.              James R. Thompson Center, Suite 11-500  
Chicago, IL 60601                                100 W. Randolph Street  
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a Motion, Notice of Filing, and a Certificate of Service on behalf of Randy Oldenberger d/b/a Environmental Health and Safety, a copy of which is attached and herewith served upon you.

Dated: October 14, 2004

Respectfully submitted,

RANDY OLDENBERGER d/b/a  
ENVIRONMENTAL HEALTH and SAFETY

BY: SCHLUETER ECKLUND



BRYAN G. SELANDER, one of its attorneys

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ENVIRONMENTAL HEALTH & SAFETY, )

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APPEARANCE OF ATTORNEY

BRYAN G. SELANDER of the law firm SCHLUETER ECKLUND, hereby enters his appearance for the Defendent, RANDY OLDENBERGER, d/b/a ENVIRONMENTAL HEALTH and SAFETY.

By: SCHLUETER ECKLUND

By:   
Bryan G. Selander

BRYAN G. SELANDER#316  
Schlueter Ecklund  
4023 Charles Street  
Rockford, IL 61108  
815-229-5333

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF WINNEBAGO    )

**PROOF OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon:

Zemeheret Bereket-AB  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Flr.  
Chicago, IL 60601

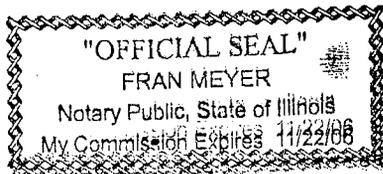
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601

of record to the above cause, by enclosing same in an envelope addressed to such at his business address as set forth above, with postage fully prepaid and by depositing said envelope(s) in the U.S. Mail at Rockford, Illinois, at or about the hour of 5:00 p.m. on the 14 day of October, 2004.

*Kevin Ann Measi*

Subscribed and sworn to before  
me this 14 day of October, 2004.

*Fran Meyer*  
Notary Public



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PEOPLE OF THE STATE OF ILLINOIS, )  
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Complainant, )  
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RANDY OLDENBERGER, d/b/a )  
ENVIRONMENTAL HEALTH & SAFETY, )  
 )  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB No. 05-51

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**MOTION TO DISMISS**

NOW COMES the Respondent, RANDY OLDENBERGER d/b/a ENVIRONMENTAL HEALTH & SAFETY, by his attorney, BRYAN G. SELANDER, of SCHLUETER ECKLUND and moves for an Order dismissing the Complaint against RANDY OLDENBERGER for the following reasons:

1. Defendant, RANDY OLDENBERGER, is an individual residing in Winnebago County, Illinois.
2. All work complained of in the pending Complaint was performed by Environmental Health & Safety Services, Inc., an Illinois corporation which was incorporated November 22, 1997, a copy of which Articles of Incorporation are attached hereto and made a part hereof.
3. The corporation's registered agent left the private practice of law and inadvertently the corporation failed to file annual franchise tax reports.

4. The corporation was reinstated by the Illinois Secretary of State on August 27, 2004, prior to the filing of this Complaint, a copy of which reinstatement is attached hereto and made a part hereof.

WHEREFORE, Respondent, RANDY OLDENBERGER, respectfully requests that the Board dismiss the Complaint filed against him as an individual and for such other and further relief as the Board deems appropriate and just.

RANDY OLDENBERGER

By: SCHLUETER ECKLUND



BRYAN G. SELANDER, one of its attorneys

Bryan G. Selander #316  
SCHLUETER ECKLUND  
4023 Charles Street  
Rockford, IL 61108  
(815) 229-5333

State of Illinois  
Office of  
The Secretary of State

Whereas,

ARTICLES OF INCORPORATION OF  
ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC.  
INCORPORATED UNDER THE LAWS OF THE STATE OF ILLINOIS HAVE BEEN  
FILED IN THE OFFICE OF THE SECRETARY OF STATE AS PROVIDED BY THE  
BUSINESS CORPORATION ACT OF ILLINOIS, IN FORCE JULY 1, A.D. 1984.

Now Therefore, I, George H. Ryan, Secretary of State of the State of Illinois, by virtue of the powers vested in me by law, do hereby issue this certificate and attach hereto a copy of the Application of the aforesaid corporation.

In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, at the City of Springfield, this 25<sup>TH</sup> day of NOVEMBER A.D. 19 97 and of the Independence of the United States the two hundred and 22<sup>ND</sup>.



*George H Ryan*

Secretary of State

Form **BCA-2.10** | **ARTICLES OF INCORPORATION**

(Rev. Jan. 1995)

This space for use by Secretary of State

**SUBMIT IN DUPLICATE!**

George H. Ryan  
Secretary of State  
Department of Business Services  
Springfield, IL 62756

**FILED**

This space for use by Secretary of State

NOV 25 1997

Date 11-25-97

Franchise Tax \$ 25.00  
Filing Fee \$ 75.00

Approved: *ll* 100.00

**GEORGE H. RYAN  
SECRETARY OF STATE**

1. CORPORATE NAME: ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC.

(The corporate name must contain the word "corporation", "company," "incorporated," "limited" or an abbreviation thereof.)

2. Initial Registered Agent: STEPHEN A. FREW

<i>First Name</i>	<i>Middle Initial</i>	<i>Last name</i>
6072 Brynwood Drive, Suite 203		

Initial Registered Office:

<i>Number</i>	<i>Street</i>	<i>Suite #</i>
Rockford	61114	Winnebago
<i>City</i>	<i>Zip Code</i>	<i>County</i>
	IL	

3. Purpose or purposes for which the corporation is organized:  
(If not sufficient space to cover this point, add one or more sheets of this size.)  
To provide services in environmental hazard remediation, containment, evaluation, and consulting or related or incidental services.

4. Paragraph 1: Authorized Shares, Issued Shares and Consideration Received:

Class	Par Value per Share	Number of Shares Authorized	Number of Shares Proposed to be Issued	Consideration to be Received Therefor
common	\$ no par	1,000,000	200,000	\$1,000.00
				<b>TOTAL = \$1,000.00</b>

Paragraph 2: The preferences, qualifications, limitations, restrictions and special or relative rights in respect of the shares of each class are:  
(If not sufficient space to cover this point, add one or more sheets of this size.)

5. **OPTIONAL:** (a) Number of directors constituting the initial board of directors of the corporation: \_\_\_\_\_  
 (b) Names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors are elected and qualify:

Name	Residential Address	City, State, ZIP

6. **OPTIONAL:** (a) It is estimated that the value of all property to be owned by the corporation for the following year wherever located will be: \$ \_\_\_\_\_  
 (b) It is estimated that the value of the property to be located within the State of Illinois during the following year will be: \$ \_\_\_\_\_  
 (c) It is estimated that the gross amount of business that will be transacted by the corporation during the following year will be: \$ \_\_\_\_\_  
 (d) It is estimated that the gross amount of business that will be transacted from places of business in the State of Illinois during the following year will be: \$ \_\_\_\_\_

7. **OPTIONAL: OTHER PROVISIONS**

Attach a separate sheet of this size for any other provision to be included in the Articles of Incorporation, e.g., authorizing preemptive rights, denying cumulative voting, regulating internal affairs, voting majority requirements, fixing a duration other than perpetual, etc.

8. **NAME(S) & ADDRESS(ES) OF INCORPORATOR(S)**

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated 11/6/97, 19\_\_\_\_.

Signature and Name
1. <u>[Signature]</u> Signature <u>Stephen A. Frew</u> (Type or Print Name)
2. _____ Signature _____ (Type or Print Name)
3. _____ Signature _____ (Type or Print Name)

Address
1. <u>6072 Brynwood Drive, Suite 203</u> Street <u>Rockford, IL 61114</u> City/Town State Zip Code
2. _____ Street _____ City/Town State Zip Code
3. _____ Street _____ City/Town State Zip Code

(Signatures must be in **BLACK INK** on original document. Carbon copy, photocopy or rubber stamp signatures may only be used on conformed copies.)

NOTE: If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution shall be by its president or vice president and verified by him, and attested by its secretary or assistant secretary.

**FEE SCHEDULE**

- The initial franchise tax is assessed at the rate of 15/100 of 1 percent (\$1.50 per \$1,000) on the paid-in capital represented in this state, with a minimum of \$25.
- The filing fee is \$75.
- The **minimum total due** (franchise tax + filing fee) is **\$100**.  
(Applies when the Consideration to be Received as set forth in Item 4 does not exceed \$16,667)
- The Department of Business Services in Springfield will provide assistance in calculating the total fees if necessary.  
Illinois Secretary of State Springfield, IL 62756  
Department of Business Services Telephone (217) 782-9522 or 782-9523

**APPLICATION FOR REINSTATEMENT  
DOMESTIC/FOREIGN CORPORATIONS**

Business Corporation Act

Jesse White, Secretary of State  
Department of Business Services  
Springfield, IL 62756  
Foreign (217) 782-1837  
Domestic (217) 785-5782  
Domestic (217) 782-5797  
www.cyberdriveillinois.com

**FILED**

**AUG 27 2004**

**JESSE WHITE  
SECRETARY OF STATE**

Remit payment in the form of a cashier's check, certified check, money order or an Illinois attorney's or CPA's check payable to the Secretary of State.

File # D 5967-869-8 Filing Fee: \$200.00 Approved: ML

Submit in duplicate Type or Print clearly in black ink Do not write above this line

1. (a) Corporate name as of the date of issuance of the certificate of dissolution or revocation:  
ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC.
- (b) Corporate name if changed (note 2): \_\_\_\_\_
- (c) If a foreign corporation having authority under an assumed corporate name restriction, the assumed corporate name (note 3): \_\_\_\_\_

2. State of incorporation: Illinois

3. Date that the certificate of dissolution or revocation was issued: 04/01/03

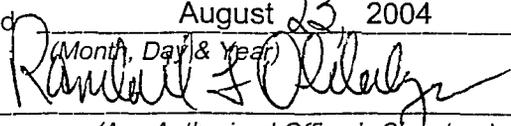
4. Name and address of the Illinois registered agent and the Illinois registered office, upon reinstatement:  
NOTICE! Completion of item #4 does not constitute a registered agent or office change. (note 4)

Registered Agent	<u>Bryan G. Selander</u>		
	<i>First Name</i>	<i>Middle Name</i>	<i>Last Name</i>
Registered Office	<u>4023 Charles Street</u>		
	<i>Number</i>	<i>Street</i>	<i>Suite # (A P.O. BOX ALONE IS NOT ACCEPTABLE)</i>
	<u>Rockford</u>	<u>IL 61107</u>	<u>Winnebago</u>
	<i>City</i>	<i>ZIP Code</i>	<i>County</i>

5. This application is accompanied by all delinquent report forms together with the filing fees, franchise taxes, license fee and penalties required. (note 1)

6. The undersigned corporation has caused this application to be signed by a duly authorized officer who affirms, under penalties of perjury, that the facts stated herein are true. (All signatures must be in **BLACK INK.**)

Dated August 23 2004  
*(Month, Day & Year)*

By   
*(Any Authorized Officer's Signature)*

Randy Oldenburger, President  
*(Print name and title)*

ENVIRONMENTAL HEALTH & SAFETY, INC.  
*(Exact Name of Corporation)*

Prepared by and return to:  
Bryan G. Selander  
4023 Charles Street  
Rockford, IL 61108

RECEIVED  
CLERK'S OFFICE

OCT 18 2004

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Motion, Notice of Filing, and Certificate of Service via United States Postal certified mail upon:

STATE OF ILLINOIS  
Pollution Control Board

Zemeheret Bereket-AB  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Flr.  
Chicago, IL 60601

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601



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BRYAN G. SELANDER  
Schlueter Ecklund  
4023 Charles Street  
Rockford, IL 61108