

JUN 16 2003

STATE OF ILLINOIS

AC 03-37 Pollution Control Board

(IEPA No. 250-03-AC)

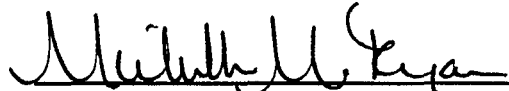
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
SHARYN FULLER and CARL BENEDICT )  
d/b/a Benedict Auto Sales, )  
 )  
Respondents. )

**NOTICE OF FILING**

To: Sharyn Fuller Carl Benedict  
9624 West Maple Road 2500 West Farmington Road  
Mapleton, Illinois 61547 West Peoria, Illinois 61604

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 CERTIFIED MAIL RECEIPT and 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: June 12, 2003



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

CLERK'S OFFICE

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

JUN 16 2003

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

STATE OF ILLINOIS  
Pollution Control Board

(217) 782-5544  
TDD: (217) 782-9143

June 12, 2003

AC 03-32

The Honorable Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

Re: Illinois Environmental Protection Agency v. Sharyn Fuller, et al.  
IEPA File No. 250-03-AC  
ID No. 1438075001

Dear Clerk Gunn:

Please be advised that service was had on Respondent, Carl Benedict, on May 29, 2003. In order to avoid default, a Petition for Review must be filed with the Illinois Pollution Control Board on or before July 3, 2003.

A copy of the return receipt is attached hereto.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Attachment

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carl Benedict  
2500 West Farmington Road  
West Peoria, IL 61604

(250-03-AC)

2. Article

7000

PS Form

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) CARL BENEDICT B. Date of Delivery 7/29/03

C. Signature

X Carl Benedict  Agent  Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

35-00-M-0952

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 16 2003

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

STATE OF ILLINOIS  
Pollution Control Board

Complainant, )

AC 03-32

v. )

(IEPA No. 250-03-AC)

SHARYN FULLER and CARL BENEDICT )  
d/b/a Benedict Auto Sales, )

Respondents. )

MOTION TO DISMISS

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 101.500, and respectfully states as follows:

(1) On May 28, 2003, Illinois EPA issued an Administrative Citation to Respondents Sharyn Fuller and Carl Benedict, based on an inspection conducted on March 31, 2003.

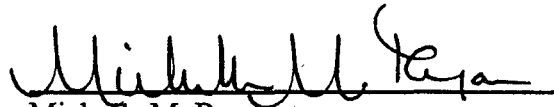
(2) On May 29, 2003, service was made on Respondent Carl Benedict, and on June 10, 2003, service was made on Respondent Sharon Fuller.

(3) Pursuant to 35 Ill. Adm. Code 101.300, the 60 days allowed for service of an Administrative Citation by Section 31.1 of the Environmental Protection Act, 415 ILCS 5/31.1 (2000), ended on May 30, 2003. Therefore, Respondent Sharyn Fuller was not served within the required time frame.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent Sharyn Fuller and continue the pending action against Carl Benedict as the sole remaining Respondent.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: June 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  
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