

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

JAN 26 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

v. )

CHRISTOPHER COLEMAN, )

Respondent. )

AC 04-19

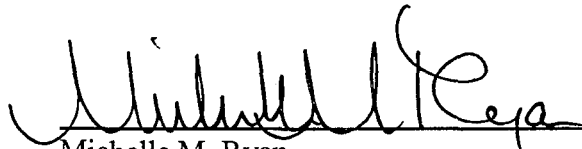
(IEPA No. 583-03-AC)

NOTICE OF FILING

To: Christopher Coleman  
114 West Poplar Street  
Coboden, Illinois 62920

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 FOR RECONSIDERATION.

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: January 22, 2004

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MOTION FOR RECONSIDERATION

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 108.520 and 35 Ill. Adm. Code 108.902, and respectfully states as follows:

(1) On October 20, 2003, Illinois EPA issued an Administrative Citation to Respondent, Chris Coleman, based on an inspection conducted on August 29, 2003.

(2) Pursuant to 415 ILCS 5/31.1(b), the Administrative Citation was required to be served no later than October 28, 2003, by certified mail.

(3) On October 27, 2003, Illinois EPA filed a certified mail receipt, addressed to Respondent and signed by Nicci Coleman on October 24, 2003.

(4) On December 18, 2003, the Pollution Control Board ("Board") issued a final order, ordering Respondent to pay a penalty of \$3,000 by January 17, 2004. The Order noted that Respondent's Petition for Review was postmarked December 3, 2003, which was 40 days after the reported October 24, 2003 service date.

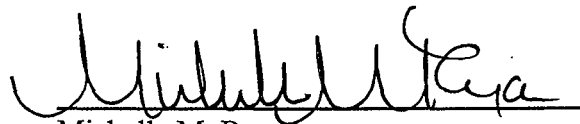
(5) On January 13, 2004, Respondent informed Illinois EPA that he was out-of-state on October 24, 2003, and that his sister, who does not reside with him, picked up his mail while he was gone. Respondent further indicated that he did not receive the actual Administrative Citation package until November 11, 2003, when he returned to Illinois (*see* attached affidavit from Nicci Coleman).

(6) Because Illinois EPA was unaware of the apparent defect in service in this case prior to the Board's December 18, 2003 order, the Board did not have adequate evidence before it regarding the service issue when it made its decision.

WHEREFORE, Illinois EPA requests that the Board reconsider its December 18, 2003 order based on the new evidence herein contained, and dismiss this Administrative Citation against Respondent Chris Coleman.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant

DATED: January 22, 2004



Michelle M. Ryan  
Special Assistant Attorney General

Illinois Environmental Protection Agency  
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P.O. Box 19276  
Springfield, Illinois 62794-9276  
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ILLINOIS POLLUTION CONTROL BOARD

FILED  
JAN 21 2004  
Environmental Protection Agency

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Complainant,  
v.  
CHRISTOPHER COLEMAN,  
Respondent.

AC 04-19  
(IEPA No. 583-03-AC)

AFFIDAVIT

Affiant, Nicci M. Coleman, being first duly sworn, voluntarily deposes and states as follows:

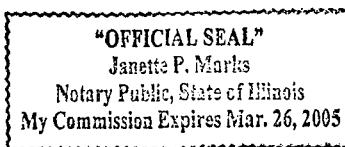
1. Christopher Coleman, the respondent in this matter, is my brother.
2. My brother Chris requested that I pick up his mail while he was out of state.
3. I picked up the Administrative Citation package sent by Illinois EPA to my brother Chris and signed for it on October 24, 2003.
4. I do not live at my brother's address, but on Kretzinger Hollow Road, in Anna, Illinois.
5. My brother didn't receive the Administrative Citation package from me until he returned on November 11, 2003.

FURTHER AFFIANT SAYETH NOT.

Nicci M. Coleman  
Nicci M. Coleman

Subscribed and sworn to before me this 20 day of January, 2004.

Janette P. Marks  
NOTARY PUBLIC



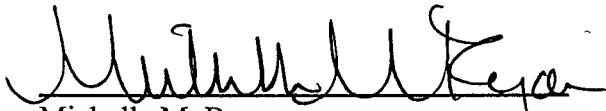
**PROOF OF SERVICE**

I hereby certify that I did on the 22<sup>nd</sup> day of January, 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 FOR RECONSIDERATION

To: Christopher Coleman  
114 West Poplar Street  
Coboden, Illinois 62920

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



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Special Assistant Attorney General

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