

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION**

**RECEIVED**  
CLERK'S OFFICE  
AUG 25 2006  
STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF OGLE )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 GEORGE C. HEAL )  
 )  
 Respondent. )

AC # 06-53  
(Administrative Citation)

**COMPLAINANT'S RESPONSE**  
**TO THE BOARD'S DIRECTION TO ADDRESS ADEQUACY OF SERVICE**  
**ON THE RESPONDENT**

The Complainant, the County of Ogle, respectfully responds to the Board's direction to address the issue of adequacy of service of the Administrative Citation on the Respondent, and in support of its position states as follows:

1. The enforcement provisions of the Environmental Protection Act, 415 ILCS 5/30, *et. seq.* and 35 Ill. Adm. Code 101.304 provide that an Administrative Citation may be served upon the person complained against with written notice by certified mail.
2. The Administrative Citation in this matter was served upon the Respondent by certified mail; attached are copies of the mail receipts in this matter which were sent to the Office of the Clerk of the Illinois Pollution Control Board and which the Complainant re-submits with additional proof of service as Attachments A, B and C.

3. Pursuant to 35 Ill. Adm Code 101.300(c), service by certified mail is presumed complete on the date specified on the mail receipt.
4. Due process does not require that the Complainant provide proof of actual notice or receipt by the intended recipient for service to be effective, particularly when provisions for service by certified mail are authorized by statute as they are under the Environmental Protection Act and the Illinois Administrative Code.
5. Furthermore, the Respondent has filed a petition for review with the Board which specifically addresses allegations contained in the Administrative Citation that was served by certified mail; this establishes that the Respondent was, in fact, served with and in possession of the Administrative Citation.
6. The mail receipts submitted by the Complainant and the petition for review filed by the Respondent belie any issue that the Respondent may raise challenging service or notice of the Administrative Citation or any violation of due process.


The Complainant respectfully requests this matter be set for hearing on the administrative citation.

Respectfully Submitted,

John B. Roe  
State's Attorney of Ogle County

Date: 8-25-06

By:

  
Assistant State's Attorney Ken Zelazo  
State's Attorney's Office of Ogle County, Illinois  
106 S. 5<sup>th</sup> St., Suite 110  
Oregon, Illinois 61061  
815-732-1170

7003 3110 0001 9352 1552

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

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**OFFICIAL USE**

Postage	\$
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Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$5.36</b>

Postmark Here  
 JUN 15 2006  
 COV. ILL 61801

Bent To: **George Heale Admin Ct**  
 Street, Apt. No., or PO Box No.: **1581 Deerpark Ln**  
 City, State, ZIP+4: **Franklin Grove, IL 61031**

PS Form 3800, June 2002 See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>	<b>COMPLETE THIS SECTION ON DELIVERY</b>
<p>Signature of Addressee (Required for Restricted Delivery)</p> <p>Signature of Recipient (Required for Restricted Delivery)</p> <p>Signature of Addressee (Required for Restricted Delivery)</p> <p>Signature of Recipient (Required for Restricted Delivery)</p>	<p>Signature of Addressee (Required for Restricted Delivery)</p> <p>Signature of Recipient (Required for Restricted Delivery)</p> <p>Signature of Addressee (Required for Restricted Delivery)</p> <p>Signature of Recipient (Required for Restricted Delivery)</p>
7003 3110 0001 9352 1552	

A

**Certified Mail Provides:**

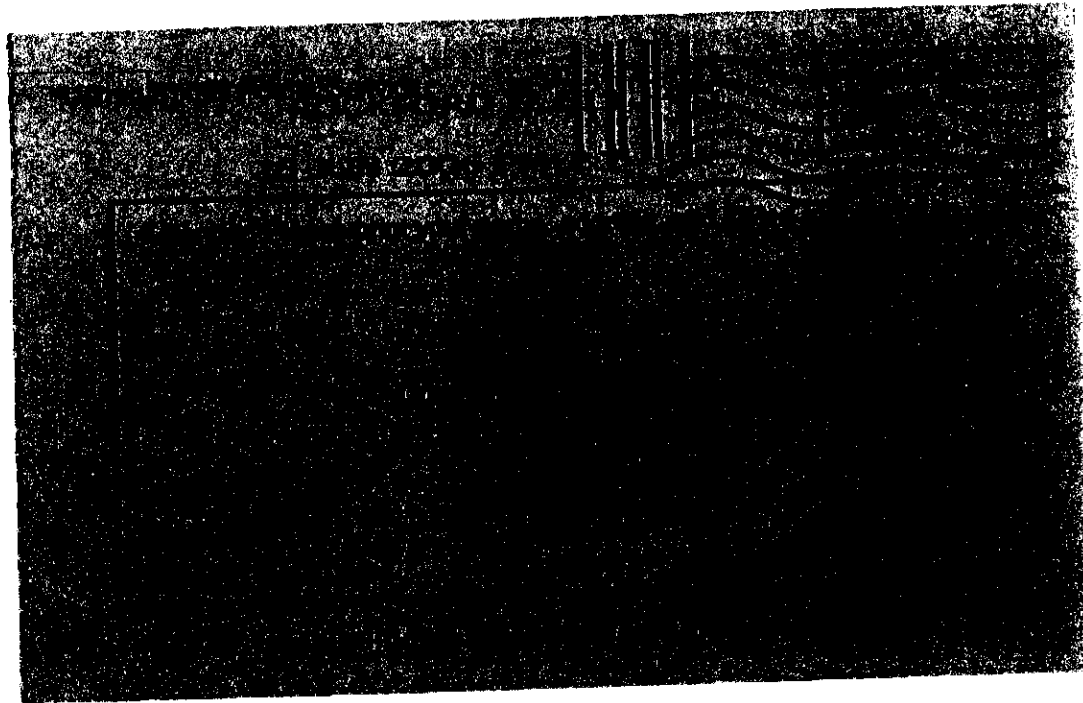
(Reverse) PS Form 3800, June 2002

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.**



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County of Ogle )  
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 Complainant )  
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AC No: 06-53  
(Administrative Citation)

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CLERK'S OFFICE

AUG 25 2006

STATE OF ILLINOIS  
Pollution Control Board

PROOF OF SERVICE

The undersigned, under oath, states that a copy of the TRANSMITTAL LETTER TO THE ILLINOIS POLLUTION CONTROL BOARD, NOTICE OF FILING, ENTRY OF APPEARANCE, ADMINISTRATIVE CITATION, INFORMATIONAL NOTICE, REMITTANCE FORM, INSPECTOR'S AFFIDAVIT, INSPECTION REPORT FORM WITH ATTACHMENTS, & NOTICE OF CORRECTIVE ACTION was mailed to the persons named above by United States Mail (Certified Mail, postage pre-paid and deposited in the United States Mail) from Oregon, Illinois on June 15, 2006. (See attached)

*John B. Roe*  
John B. Roe  
State's Attorney of Ogle County

Subscribed & Sworn to before me

this 24 day of August, 2006.

*Trisha Morrow*  
NOTARY PUBLIC



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ADMINISTRATIVE CITATION**

COUNTY OF OGLE	)	
	)	
Complainant,	)	
	)	
v.	)	AC # 06-53
	)	(Administrative Citation)
	)	
GEORGE C. HEAL	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: George C. Heal  
1581 E. Deerpath Lane  
Franklin Grove, IL 61031-0099

PLEASE TAKE NOTICE that I have filed on August 25, 2006 with the Office of the Clerk of the Pollution Control Board the COMPLAINANT'S RESPONSE TO THE BOARD'S DIRECTION TO ADDRESS ADEQUACY OF SERVICE ON THE RESPONDENT of the Ogle County State's Attorney as counsel for the IEPA, a copy of which is herewith served upon you.

Date: August 25, 2006

Assistant State's Attorney Ken Zelazo  
State's Attorney's Office of Ogle County, Illinois  
106 S. 5<sup>th</sup> St., Suite 110  
Oregon, Illinois 61061  
815-732-1170

*THIS FILING IS SUBMITTED ON RECYCLED PAPER*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION**

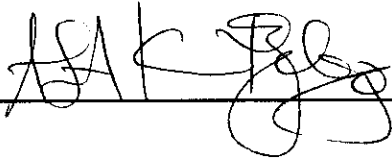
COUNTY OF OGLE	)	
	)	
Complainant,	)	
	)	
v.	)	AC # 06-53
	)	(Administrative Citation)
	)	
GEORGE C. HEAL	)	
	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached COMPLAINANT'S RESPONSE TO THE BOARD'S DIRECTION TO ADDRESS ADEQUACY OF SERVICE ON THE RESPONDENT, by certified mail, upon the following person(s):

To: George C. Heal  
1581 E. Deerpath Lane  
Franklin Grove, IL 61031-0099

Date: August 25, 2006

By:  \_\_\_\_\_

Assistant State's Attorney Ken Zelazo  
State's Attorney's Office of Ogle County, Illinois  
106 S. 5<sup>th</sup> St., Suite 110  
Oregon, Illinois 61061  
815-732-1170