

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS

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MAR 27 2008

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 FRANK SMITH & DANNY SMITH,)
)
 Respondents.)

AC 08 -25

MOTION TO DISMISS

Now Comes the Complainant, The County of Jackson, by and through its attorney, Assistant State's Attorney, Daniel Brenner, and respectfully moves the Board, in accordance with procedural rules, to dismiss the present matter without prejudice for the following reasons:

1. On March 25, 2008 Complainant filed its Administrative Citation against the above-named Respondents.
2. The date of inspection for the Administrative Citation was January 9, 2008.
3. Neither Respondent could be personally served with the Administrative Citation within sixty (60) days of the date of inspection as required by §31.1(b) of the Illinois Environmental Protection Act and §108.202(b) of the Board's Administrative Rules.

WHEREFORE, Complainant respectfully requests the Board to dismiss the present matter without prejudice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Brenner", written over a horizontal line.

Daniel Brenner
Assistant State's Attorney
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Murphysboro, IL 62966
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