

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JAN 09 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
DALE GORDON SPRADLIN AND BARBARA)
J. SPRADLIN,)
)
Respondents.)

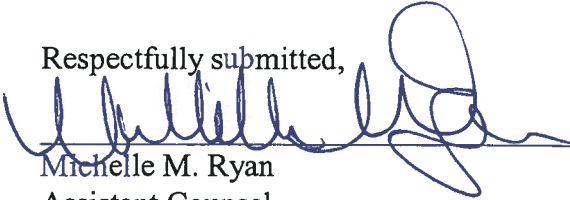
AC 12-23
(IEPA No. 405-11-AC)

ORIGINAL

NOTICE OF FILING

To: Dale G. Spradlin
37784, 205th Street
Pittsfield, IL 62363

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 TO DISMISS.

Respectfully submitted,

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: January 5, 2012

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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

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v.)

DALE GORDON SPRADLIN AND)
BARBARA J. SPRADLIN,)

Respondents.)

AC

(IEPA No. 405-11-AC)

12-23

ORIGINAL

MOTION TO DISMISS
ADMINISTRATIVE CITATION

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 108.402, and respectfully states as follows:

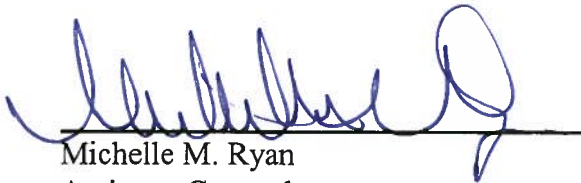
- (1) On December 20, 2011, the Illinois EPA issued an Administrative Citation to Respondents Dale Gordon Spradlin and Barbara J. Spradlin, based on an inspection conducted on November 3, 2011.
- (2) On January 3, 2012, Respondent, Barbara J. Spradlin was served the Administrative Citation, by personal service. The Affidavit of service for Barbara J. Spradlin, was filed with the Board on January 4, 2012. However, as of January 4, 2012, according to the U.S. Postal website, the Administrative Citation, which had been mailed to the Spradlins on December 20, 2011, had not been picked up at the Post Office: Service date was January 3, 2011.

- (3) Because Dale Gordon Spradlin was not timely served within 60 days as required by 415 ILCS 5/31.1(b), Mr. Spradlin should be dismissed, from this Administrative Citation.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Dale Gordon Spradlin.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: January 5, 2012



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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Pollution Control Board

PROOF OF SERVICE

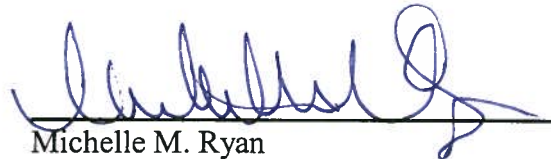
I hereby certify that I did on the 5th day of January 2012, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: Dale G. Spradlin
37784, 205th Street
Pittsfield, IL 62363

ORIGINAL

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: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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