

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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APR 02 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 BRIAN S. MULLINS,)
)
 Respondent.)

AC 12-35
 (IEPA No. 62-12-AC)

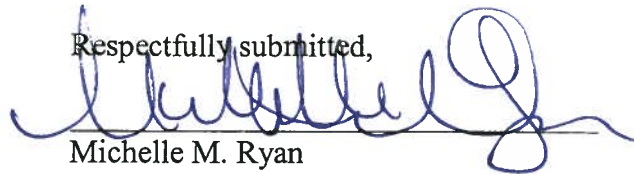
NOTICE OF FILING

ORIGINAL
 RETURN TO CLERK'S OFFICE

To: Brian S. Mullins
 P.O. Box 192
 Keensburg, IL 62852

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: March 30, 2012

APR 02 2012

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Complainant,)
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v.)
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BRIAN S. MULLINS,)
))
Respondent.)

AC 12-35
(IEPA No. 62-12-AC)

MOTION TO DISMISS
ADMINISTRATIVE CITATION

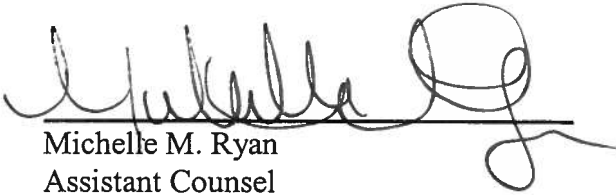
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On March 21, 2012, the Illinois EPA issued an Administrative Citation to Respondent Brian S. Mullins, based on an inspection conducted on January 30, 2012.
- (2) On March 26, 2012, the Administrative Citation was sent back to the Illinois EPA from the United States Postal Service, as unclaimed. The Illinois EPA received the returned Administrative Citation on March 29, 2012.
- (3) Because Brian S. Mullins was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Brian S. Mullins.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: March 30, 2012



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

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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 30th day of March 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: Brian S. Mullins
P.O. Box 192
Keensburg, IL 62852

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
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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