

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION



ORIGINAL

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 G AND E FIVE, LLC and NORTHWIND RAS,)
 LLC,)
)
 Respondents.)

AC

14-26

(IEPA No. 322-13-AC)

RECEIVED
CLERK'S OFFICE

DEC 16 2013

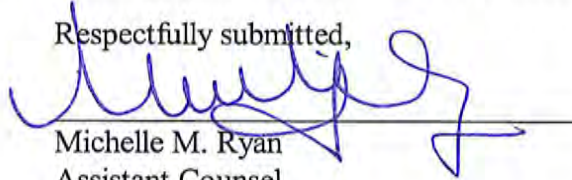
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: G and E Five, LLC
 Ed Schmitt, President
 2131 Harlem Road
 Loves Park, IL 61111

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: December 10, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
G AND E FIVE, LLC and NORTHWIND)
RAS, LLC)
)
Respondents.)

AC 14-26
(IEPA No. 322-13-AC)

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STATE OF ILLINOIS
Pollution Control Board

MOTION TO DISMISS
ADMINISTRATIVE CITATION

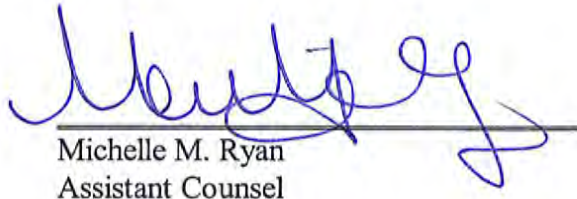
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On November 12, 2013, the Illinois EPA issued an Administrative Citation to Respondents G and E Five, LLC and Northwind RAS, LLC, based on an inspection conducted on September 27, 2013.
- (2) On November 16, 2013, Northwind RAS, LLC was served with the Administrative Citation. The proof of service was filed with the Board on November 20, 2013.
- (3) The Administrative Citation issued to G and E Five, LLC was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (4) Because Respondent, G and E Five, LLC was not timely served within 60 days as required by 415 ILCS 5/31.1(b), the Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against G and E Five, LLC.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: December 10, 2013



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

PROOF OF SERVICE

I hereby certify that I did on the 10th day of December 2013, 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: G and E Five, LLC
Ed Schmitt, President
2131 Harlem Road
Loves Park, IL 61111

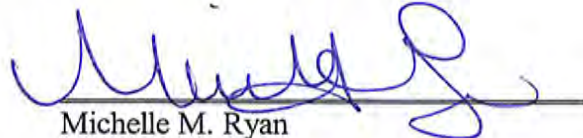
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STATE OF ILLINOIS
Pollution Control Board

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
Illinois 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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