

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 01 2008

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 LESTER JOHNSON and ARTHUR CROSS, )  
 )  
 Respondents. )

AC 09 - 4  
Site Code: 0778145021

**COMPLAINANT'S MOTION TO WITHDRAW AND  
DISMISS ADMINISTRATIVE CITATION**

NOW COMES the Complainant, the County of Jackson, ("County"), by and through its attorney, Assistant State's Attorney, Daniel Brenner, and pursuant to Section 101.500 of the Illinois Pollution Control Board's ("Board") Rules and Regulations, 35 Ill. Adm. Code 101.500, hereby moves the Board for an order allowing the Complainant to withdraw and dismiss its administrative citation in the above captioned matter; and in support hereof, the Complainant respectfully states as follows:

1. On September 16, 2008, the Pollution Control Board issued an Order acknowledging the Complainant's filing of an administrative citation in this matter and the Respondents' filing of their petitions to contest the administrative citation; and assigned the matter for further proceedings to a hearing officer.

2. On or about September 16, 2008, Hearing Officer, Carol Webb, ordered the parties to appear at a telephone status conference on October 6, 2008.

3. Complainant has re-inspected the site and found it to be cleaned up and in compliance with the open dumping laws.

4. Complainant advised the Hearing Officer and the Respondents that it would file a motion to withdraw and dismiss its administrative citation.

WHEREFORE, the Complainant respectfully requests its administrative citation in this matter be withdrawn and dismissed; and the proceedings be closed.

Respectfully submitted,

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

Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, Third Floor  
Murphysboro, IL 62966  
618-687-7200

For the Complainant

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PROOF OF SERVICE

I hereby certify that I did on the 29<sup>th</sup> day of September 2008, send by U.S. Mail postage thereon fully prepaid, by depositing in U.S. Post Office Box a true and correct copy of the following instrument(s) entitled COMPLAINANT'S MOTION TO WITHDRAW AND DISMISS ADMINISTRATIVE CITATION.

To: Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

Lester Johnson  
3514 Town Creek Road  
Murphysboro, Illinois 62966

Arthur Cross  
3498 Town Creek Road  
Murphysboro, Illinois 62966

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



Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, 3<sup>rd</sup> FL.  
Murphysboro, IL 62966  
618-687-7200

