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OCT 14 2009

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 9, 2009

John T. Therriault, Assistant Clerk
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Illinois Valley Paving Co., Inc.***
PCB No. 09-40

Dear Clerk:

Enclosed for filing please find the original and ten copies of a Notice of Filing and Motion for Voluntary Dismissal of Alleged Violations of Section 12(d) of the Act in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen J. Janasie", written over a horizontal line.

Stephen J. Janasie
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

SJJ/pjk
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
ILLINOIS VALLEY PAVING COMPANY,)
INC.,)
)
Respondent.)

PCB No. 09-40
(Enforcement)

NOTICE OF FILING

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OCT 14 2009

STATE OF ILLINOIS
Pollution Control Board

To: Edward R. Gower
Hinshaw & Culbertson LLP
400 S. Ninth Street, Ste. 200
Springfield, IL 62701

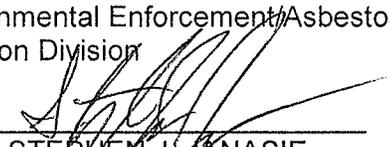
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR VOLUNTARY DISMISSAL OF ALLEGED VIOLATIONS OF SECTION 12(d) OF THE ACT, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
STEPHEN J. JANASIE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 9, 2009

CERTIFICATE OF SERVICE

I hereby certify that I did on October 9, 2009, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION FOR VOLUNTARY DISMISSAL OF ALLEGED VIOLATIONS OF SECTION 12(d) OF THE ACT

To: Edward R. Gower
Hinshaw & Culbertson LLP
400 S. Ninth Street, Ste. 200
Springfield, IL 62701

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

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

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794



STEPHEN J. JANASIE
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
ILLINOIS VALLEY PAVING)
COMPANY, INC.)
)
Respondent.)

PCB No. 09-40

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Pollution Control Board

**MOTION FOR VOLUNTARY DISMISSAL OF ALLEGED VIOLATIONS
OF SECTION 12(d) OF THE ACT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009 (1998), moves to voluntarily dismiss without prejudice Count II of this action against Respondent, ILLINOIS VALLEY PAVING, INC., and states as follows:

1. Complainant filed this action to seek penalties and compliance for violations at this site immediately west of Peoria.
2. The site was a temporary concrete batch that has ceased operations, and Respondent has entered into a settlement agreement with Complainant for Counts I and III of the Complaint in this action that includes penalties and compliance.
3. Complainant has elected to withdraw the allegations relating to Section 12(d) in light of the settlement on the other violations.

WHEREFORE, the Complainant prays that the Board enter an order of voluntary dismissal for Count II without prejudice in this cause, thus leaving the remaining Counts I and III in the original Complaint as Counts I and II, in agreement with the Stipulation and Proposal for Settlement that has been entered before the Board.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,
Attorney General
of the State of Illinois.

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Bureau Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 8, 2009

