

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
VILLAGE OF DAVIS JUNCTION, an Illinois)	
municipal corporation;)	
)	
<i>Petitioner,</i>)	PCB 2024-038
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
<i>Respondent.</i>)	

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES the Petitioner Village of Davis Junction, by and through its attorneys. Ancel Gink P.C., and pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009, and 35 Ill. Admin. Code 101.500, hereby moves the Illinois Pollution Control Board (“**Board**”) for voluntary dismissal of this action without prejudice, and in support thereof, states as follows:

1. Petitioner filed a Petition for Review on November 27, 2023, contesting the Respondent Illinois Environmental Protection Agency’s (“**IEPA**”) decision documented in IEPA’s October 23, 2023, letter suggesting the Village was required to issue public notice due to an alleged lead and copper rule monitoring violation (“**Decision**”).
2. On November 30, 2023, Respondent informed Petitioner that the Decision alleging a lead and copper rule monitoring violation and requiring Petitioner to issue public notice of the alleged violation was made in error. Ex. 1, IEPA Letter to Village

(Nov. 30, 2023). Subsequently, Respondent has informed Petitioner that the alleged rule violation and public notice requirement have been removed from Petitioner's record.

3. Petitioner requests that this appeal of an IEPA final decision be dismissed as all disagreements concerning the Decision have been resolved between Petitioner and Respondent.

4. This motion is being filed prior to the appearance of any other party in this matter.

WHEREFORE, Petitioner respectfully prays that this Board grant the Motion for Voluntary Dismissal, dismiss this matter, close the docket, and for such other and further relief as the Board deems just and proper.

Dated: December 26, 2023.

Respectfully submitted,
VILLAGE OF DAVIS JUNCTION,
PETITIONER

By: /s/ Daniel J. Bolin
One of its Attorneys

Daniel J. Bolin
ANCEL GLINK, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
(312) 782-7606
dbolin@ancelglink.com

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INDEX OF EXIHIBITS VILLAGE OF DAVIS JUNCTION'S
MOTION FOR VOLUNTARY DISMISSAL

Exhibit 1 Letter from IEPA to Village (Nov. 30, 2023)

EXHIBIT 1

Letter from IEPA to Village (Nov. 30, 2023)

(see attached)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-785-0561

November 30, 2023

Bret Ferge
106 N. Elm Street
Davis Junction, IL 61020

Re: IL1410030, DAVIS JUNCTION- Violation and Public Notice Requirement Waiver

Dear Mr. Ferge:

You were recently informed, via letter dated October 23, 2023, that your Community Water Supply received a Lead and Copper Monitoring and Reporting Violation, and was required to issue Public Notice for the following violation:

<u>Violation Description</u>	<u>Contaminant(s)</u>	<u>Compliance Period</u>
Follow-Up or Routine Tap Monitoring and Reporting	Lead and Copper	01/01/2021 – 12/31/2023

This notification was made in error. You may disregard the previous notification, from October 23, 2023, concerning the violation and requirement to issue public notice. The Public Notice requirement and Violation have been removed from your record.

Should you have any questions, please free to contact me at EPA.Leadandcopper@Illinois.gov.

Sincerely,

Adam Nutt
Drinking Water Compliance Unit
Compliance Assurance Section
Bureau of Water

cc: Jason J. Vohs

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NOTICE OF ELECTRONIC FILING

To: Division of Legal Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276
epa.dlc@illinois.gov

Pollution Control Board, Attn: Clerk
 60 E. Van Buren Street, Suite 630
 Chicago, Illinois 60605
PCB.Clerks@illinois.gov

Michael S. Roubitchek
 Deputy General Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 Springfield, IL 62794-9276
Mike.Roubitchek@Illinois.gov

PLEASE TAKE NOTICE that on December 26, 2023, I caused to be electronically filed with the Illinois Pollution Control Board, via the "COOL" System, **MOTION FOR VOLUNTARY DISMISSAL**, and **CERTIFICATE OF SERVICE**, true and correct copies of which are attached hereto and hereby served upon you.

Dated: December 26, 2023

Respectfully submitted,

By: /s/ Daniel J. Bolin

One of the Attorneys for Petitioner

Daniel J. Bolin
ANCEL GLINK, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
(312) 782-7606
dbolin@ancelglink.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this date of December 26, 2023, I have electronically served a true and correct copy of the attached MOTION FOR VOLUNTARY DISMISSAL, Notice of Filing, and Certificate of Service by electronically filing with the Clerk of the Illinois Pollution Control Board and by email upon the following persons:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62784-9276
epa.dlc@illinois.gov

Michael S. Roubitchek
Deputy General Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Mike.Roubitchek@Illinois.gov

Pollution Control Board, Attn: Clerk
60 E. Van Buren Street, Suite 630
Chicago IL 60605
PCB.Clerks@illinois.gov

The number of pages in the email transmission is 8.

The email transmission took place before 4:30 p.m.

Date: December 26, 2023

Respectfully submitted,

By: /s/ Daniel J. Bolin
One of the Attorneys for Petitioner

Daniel J. Bolin
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