

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
)  
Complainant, )  
)  
v. )  
)  
T.K. FLEMING CONSTRUCTION, )  
INC., )  
)  
Respondent. )

PCB 03-74

RECEIVED  
CLERK'S OFFICE  
JUL 9 2003  
STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

To: Thomas K. Fleming  
T.K. Fleming Construction  
1 North Logan Avenue  
Danville, IL 62832

Charles C. Hall  
Hall Law Firm  
1018 N. Vermillion Street  
Danville, IL 61832

Charles J. Devens  
Manion, Devens, McFetridge,  
Spiros & Schum  
24 East North Street  
Danville, IL 61832-5804


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, 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:   
THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: July 7, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that I did on July 7, 2003, 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

To: Thomas K. Fleming  
T.K. Fleming Construction  
1 North Logan Avenue  
Danville, IL 62832

Charles C. Hall  
Hall Law Firm  
1018 N. Vermilion Street  
Danville, IL 61832

Charles J. Devens  
Manion, Devens, McFetridge,  
Spiros & Schum  
24 East North Street  
Danville, IL 61832-5804

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

To: Dorothy Gunn, 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 Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 South Second Street  
Springfield, IL 62704

  
\_\_\_\_\_  
Thomas Davis, Chief  
Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
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 Complainant, )  
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 v. )  
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 T.K. FLEMING CONSTRUCTION, INC., )  
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 Respondent. )

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STATE OF ILLINOIS  
Pollution Control Board

PCB NO. 03-74  
(Enforcement)

MOTION FOR VOLUNTARY DISMISSAL

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 (2002), moves to voluntarily dismiss this action against Respondent, T.K. FLEMING CONSTRUCTION, INC., and states as follows:

1. This action was filed against the City of Georgetown and T.K. Fleming Construction, Inc., but the Complainant has decided not to pursue a civil penalty against the latter Respondent.
2. The City of Georgetown and the Complainant have filed a Stipulation and Proposal for Settlement regarding the violations.

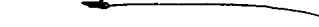
WHEREFORE, the Complainant prays that the Board enter an order of voluntary dismissal as to this cause.

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: July 7, 2003