

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 9, 2004

## CERTIFICATE OF SERVICE

I hereby certify that I did on November-9, 2004, 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 COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL

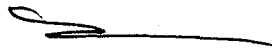
To: Mr. John Meyers  
Rabin, Myers & Hanken, P.C.  
1300 South Eighth Street  
Springfield, IL 62703

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 to:

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

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Thomas Davis, Chief  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

NOV 12 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

EMMETT UTILITIES, INC.,  
an Illinois corporation, and  
RUSSELL D. THORELL, individually and  
as president of EMMETT UTILITIES, INC.

Respondents.

PCB NO. 04- 81  
(Enforcement)

COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby respectfully submits this Motion for Voluntary Dismissal to the Pollution Control Board. Complainant states as follows:

1. Russell Thorell has died.
2. The executor of the Thorell estate intends to convey ownership of Emmett Utilities, Inc., to another party which will be responsible for providing sewer and water services to the users at Stratford West.
3. Dismissal of this action is sought in order to assure continued operation of the utility and to facilitate a transfer of ownership to a responsible party and, along with other commitments by the State regarding waiver of penalties and liability, is conditioned upon the following: 1) the estate will disclaim the debts owed by the company to it (e.g. the loans by Thorell to Emmett Utilities, Inc.); and 2) the estate will continue to operate the utility until a transfer of ownership may be completed.

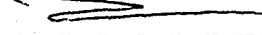
WHEREFORE, the Complainant prays that this action be dismissed.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
Dated: November 8, 2004