

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 15 2005

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,)
)
Complainant,)
)
v.)
)
GARY CLOVER,)
)
Respondent.)

AC 05 - 76
Site Code: 0778105010

**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 III. 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 July 7, 2005, the Pollution Control Board issued an Order acknowledging the Complainant's filing of an administrative citation in this matter and the Respondent's filing of his petition to contest the administrative citation; and assigned the matter for further proceedings to a hearing officer.


2. On July 13, 2005 Hearing Officer, Carol Webb, ordered the parties to a telephone status conference on August 9, 2005.

3. On or about August 8, 2005, the Complainant again inspected the Respondent's site and found it to be cleaned up and in compliance with the open dumping laws.

4. At the conference call on August 9, 2005, the Complainant advised the Hearing Officer and the Respondent 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WHEREFORE, the Complainant respectfully requests its administrative citation in this matter be withdrawn and dismissed; and the proceedings be closed.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

PROOF OF SERVICE

I hereby certify that I did on the 10th day of August 2005, send by U.S. Mail, with postage thereon fully prepaid, by depositing in U.S. Post Office Box a true and correct copy of the following instrument(s) entitled COMPLAINTANT'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

Gary Clover
1336 Hoffman 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, Third Fl.
Murphysboro, IL 62966
618-687-7200