

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 11-42
)	(Enforcement-Land)
)	
JOEL A. MOSKE, d/b/a U.S. SCRAP,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on April 17, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601 the MOTION FOR VOLUNTARY DISMISSAL OF COUNT III, 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: s/Raymond J. Callery
RAYMOND J. CALLERY
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031

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MOTION FOR VOLUNTARY DISMISSAL OF COUNT III

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby moves to voluntarily dismiss Count III of its Complaint against the Respondent, JOEL A. MOSKE, d/b/a U.S. SCRAP, pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009 (2012), and states as follows:

1. Complainant filed its three count complaint against the Respondent on January 19, 2011.
2. On January 9, 2014, Complainant filed its Motion for Summary Judgment against the Respondent.
3. On February 20, 2014, the Board granted Complainant's Motion for Summary Judgment as to the first two counts of the Complaint, Count I (Land Pollution Violations) and Count II (Air Pollution Violations).
4. The Board denied Complainant's Motion for Summary Judgment as to Count III of the Complaint (Waste Determination Violations).

5. Complainant no longer wishes to proceed to hearing on Count III of the Complaint.

WHEREFORE, the Complainant prays that the Board enter an order of voluntary dismissal as to Count III of the Complaint.

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: s/ Raymond J. Callery
RAYMOND J. CALLERY
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 17, 2014

CERTIFICATE OF SERVICE

I hereby certify that I did on April 17, 2014, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the NOTICE OF ELECTRONIC FILING and MOTION FOR VOLUNTARY DISMISSAL OF COUNT III upon the following:

Joel A. Moske
d/b/a U.S. Scrap
1551 East McBride Street
Decatur, IL 62526

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

s/ Raymond J. Callery
RAYMOND J. CALLERY
Assistant Attorney General

This filing is submitted on recycled paper.