



**RECEIVED**  
CLERK'S OFFICE

**OCT 18 2004**

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

October 13, 2004

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Danny Wiegel, d/b/a Wiegel's Tree Service***  
**PCB No. 05-9**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and MOTION FOR VOLUNTARY DISMISSAL in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Jennifer Bonkowski".

Jennifer Bonkowski  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JB/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT 18 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 DANNY WIEGEL, )  
 d/b/a WIEGEL'S TREE SERVICE, )  
 )  
 Respondent. )

PCB No. 05-9  
(Enforcement)

NOTICE OF FILING

To: Mr. Danny Wiegel  
c/o Mary Wiegel  
Wiegel's Tree Service  
1130 Cody Road  
Centralia, IL 62801


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:   
JENNIFER BONKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 13, 2004

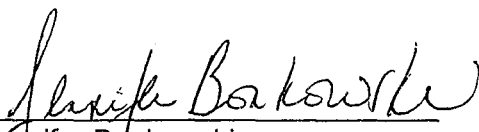
**CERTIFICATE OF SERVICE**

I hereby certify that I did on October 13, 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 MOTION FOR VOLUNTARY DISMISSAL to::

To: Mr. Danny Wiegel  
c/o Mary Wiegel  
Wiegel's Tree Service  
1130 Cody Road  
Centralia, IL 62801

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

  
Jennifer Bonkowski  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT 18 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DANNY WIEGEL, )  
 d/b/a WIEGEL'S TREE SERVICE, )  
 )  
 Respondent. )

PCB NO. 05-9  
(Enforcement - Air)

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 (1998), moves to voluntarily dismiss without prejudice this action against Respondent, DANNY WIEGEL, d/b/a WIEGEL'S TREE SERVICE, and states as follows:

1. Respondent, Danny Wiegel, owned and operated a business known as Wiegel's Tree Service at 1130 Cody Road in Centralia, Illinois.
2. Complainant filed this action to seek penalties for air pollution and open burning violations at this facility.
3. On or about October 7, 2004, Danny Wiegel passed away as a result of a heart attack.
4. Because Wiegel's Tree Service no longer exists and the environmental violations have been abated, there is no reason to pursue enforcement in light of the Respondent's death.

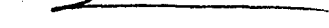
WHEREFORE, the Complainant prays that the Board enter an order of voluntary dismissal without prejudice in this cause.

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

JENNIFER BONKOWSKI  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 13, 2004