

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.)
)
 CLOYD and CRAIG KARNES,)
)
 Respondents.)

AC 13 - 35
Site Code: 077 050 5099

RECEIVED
CLERK'S OFFICE

FEB 28 2013

STATE OF ILLINOIS
Pollution Control Board



ORIGINAL

**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 February 7, 2013, the Pollution Control Board issued an Order acknowledging the Complainant's filing of an administrative citation in this matter and the Respondents' filing of their petitions to contest the administrative citation; and further directed the Respondents to file an amended petition to cure deficiencies identified in the order. The matter has not been assigned to a hearing officer.

2. Complainant re-inspected the site on February 25, 2013 and found it to be cleaned up and in compliance with the open dumping laws.

3. Complainant advised the Respondents 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WHEREFORE, the Complainant respectfully requests its administrative citation in this matter be withdrawn and dismissed; and the proceedings be closed.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,

MICHAEL C. CARR
Jackson County State's Attorney

A handwritten signature in black ink, appearing to read 'D. 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 25th day of January 2013, 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: Cloyd Karnes
10607 Old Highway 13
Murphysboro, Illinois 62966

Craig Karnes
10671 Old Highway 13
Murphysboro, Illinois 62966

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STATE OF ILLINOIS
Pollution Control Board

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, 3rd FL.
Murphysboro, IL 62966
618-687-7200



JACKSON COUNTY STATE'S ATTORNEY

Michael C. Carr, State's Attorney

Jackson County Courthouse • 1001 Walnut • Third Floor • Murphysboro, IL 62966
(618) 687-7200 • FAX (618) 687-7215

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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

February 25, 2013

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation - Murphysboro/Cloyd Karnes Site
Site Code 077 050 5099

Dear Clerk:

Enclosed for filing with the Board is the Complainant's Motion to Withdraw and Dismiss its administrative citation pending in this matter. A proof of service is enclosed as well. I request you present the Motion to the Board for its consideration. Thank you.

Sincerely,

MICHAEL C. CARR
Jackson County State's Attorney

A handwritten signature in black ink, appearing to read "Daniel Brenner".

DANIEL BRENNER
Assistant State's Attorney
Jackson County, Illinois

enclosures

cc: Jackson County Health Department