

ILLINOIS POLLUTION CONTROL BOARD
March 19, 2009

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 08-17
) (Enforcement - Water)
FELKER PHARMACY, INC. and ROD)
BENNETT CONSTRUCTION, INC.,)
)
Respondents.)

ROD BENNETT CONSTRUCTION, INC.,)
)
Third-Party Complainant,)
)
v.) PCB 08-17
) (Citizens Enforcement - Water)
MCCLELLAN BLAKEMORE) (Third-Party Complaint)
ARCHITECTS, INC. and WENDLER)
ENGINEERING SERVICES, INC.,)
)
Third-Party Respondents.)

ORDER OF THE BOARD (by G.T. Girard):

On August 20, 2007, the People of the State of Illinois by the Attorney General, on her own motion and at the request of Illinois Environmental Protection Agency (People), filed a three-count complaint against Felker Pharmacy, Inc. (Felker) and Rod Bennett Construction, Inc. (Bennett) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns the Synder Pharmacy site located at Galena Avenue and Everett Street, Dixon, Lee County. On August 23, 2007, the Board accepted the complaint for hearing.

On December 10, 2007, Bennett filed a third-party complaint against McClellan Blakemore Architects, Inc. (McClellan) and Wendler Engineering Services, Inc. (Wendler) (collectively, third-party respondents). On March 20, 2008, the Board accepted the third-party complaint for hearing.

On February 6, 2009, Bennett filed a motion to dismiss the third-party complaint. The Board has received no responses to the motion from any party. Therefore, any objection to the granting of the motion has been waived. *See* 35 Ill. Adm. Code 101.500(d). The Board grants the motion and the third-party complaint is dismissed.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 19, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board