

ILLINOIS POLLUTION CONTROL BOARD

August 11, 1994

ERICH J. MANDEL,)	
)	
Complainant,)	
)	
v.)	PCB 92-33
)	(Enforcement)
THADDEUS G. KULPAKA,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. A. Manning):

On February 25, 1992, Erich J. Mandel filed a complaint against Thaddeus G. Kulpaka alleging various violations of the Environmental Protection Act (Act). The allegations concerned several Underground Storage Tanks located on a property owned by Mandel and previously owned by Kulpaka. On July 30, 1992, the Board denied a motion by the respondent for summary judgment or dismissal. At this time the Board also struck portions of the complaint and dismissed Counts IV and V. On January 26, 1993, Kulpaka filed a counterclaim against Mandel. On February 25, 1993, the Board granted Kulpaka leave to file the counterclaim, and on August 26, 1993, the Board found that the counterclaim was neither duplicitous or frivolous. This case has been scheduled for hearing on December 16, 1992, March 12, 1993, November 8, 1993 and December 23, 1993; however no hearings have ever been held.

Since the cancellation of the last hearing, seven months ago, the Board has had no further communications from the parties to indicate whether the matter has been settled or whether a hearing will be required. Accordingly, we order that the complainant show cause why an order dismissing this case should not be entered for lack of prosecution. Complainant's response should be filed with the Board on or before Thursday, August 25, 1994.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 11th day of August, 1994 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board