

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1993

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

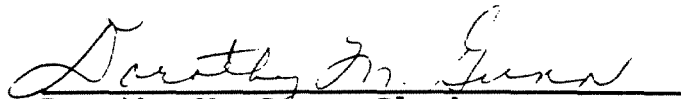
ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on respondent's January 26, 1993 motion for leave to file counterclaim and counterclaim. Complainant has failed to respond to this motion.

While the Board's procedural rules do not specifically provide for the filing of counterclaims in enforcement actions, the Board has accepted such filings in the interest of administrative economy. (See e.g., Lefton Iron Metal Co., Inc. v. Moss-American Corp. (March 9, 1989) PCB 87-191.) Therefore, the Board hereby grants respondent's motion to file its counterclaim. In so granting, the Board makes no ruling at this time as to whether the counterclaim is duplicitous or frivolous. (415 ILCS 5/31(b) (1992).)

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 25th day of February, 1993 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0139-0505