

ILLINOIS POLLUTION CONTROL BOARD
June 19, 1997

OLIVE STREIT and LISA STREIT,)	
)	
Complainants,)	
)	
v.)	PCB 95-122
)	(Enforcement - UST)
OBERWEIS DAIRY, INC., RICHARD J.)	
FETZER and JOHNNIE W. WARD d/b/a)	
SERVE-N-SAVE, and RICHARD J.)	
FETZER, individually,)	
)	
Respondents.)	

ORDER OF THE BOARD (by R.C. Flemal):

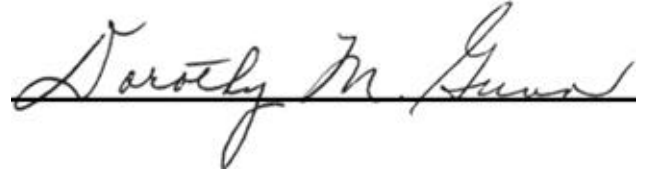
This matter comes before the Board on complainants' voluntary motion to dismiss filed June 17, 1997. Complainants state that all matters in controversy existing between complainants and respondents have been fully "resolved, settled, and released." Complainants request that this matter be dismissed with prejudice. Complainants also request that this action be dismissed subject to reinstatement within sixty days of a party's non-compliance with the terms of the settlement agreement.

The Board grants complainants' motion to dismiss with prejudice. The Board however notes that the settlement agreement between the parties was a private settlement agreement. The Board does not routinely approve private settlement agreements and therefore the Board did not approve, nor was it asked to approve, the settlement agreement in this matter. The Board therefore cannot grant complainants' request that this action be subject to reinstatement for non-compliance with the terms of the settlement agreement. Moreover, the Board notes that this request is inconsistent with complainant's request to dismiss this matter with prejudice.

This matter is hereby dismissed, and the docket is closed.

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 19th day of June 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board