ILLINOIS POLLUTION CONTROL BOARD
September 19, 2002

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 99-192
	)	(Enforcement - Air)
GULCO CORPORATION, a Delaware corporation a/k/a GUTMANN LEATHER COMPANY, INC.,	)	
	)	
Respondent.	)	

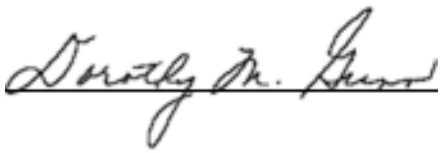
ORDER OF THE BOARD (by R.C. Flemal):

On July 11, 2002, the Board accepted the stipulation and settlement filed by the complainant and respondent. The settlement contained the caveat that "Upon order by the Board accepting this Stipulation and Proposal for Settlement, Complainant will move to dismiss Count III without prejudice with leave to reinstate and Respondent will offer no objection to said motion." Settlement at 10. On September 5, 2002, complainant filed a motion to dismiss Count III without prejudice. On September 18, 2002, counsel for respondent informed hearing officer Brad Halloran that respondent does not intend to file a response to the motion. Since no response will be filed, respondent waives objection to granting the motion, but waiving the objecting does not bind the Board in its disposition of the motion. 35 Ill. Adm. Code 101.500.

The Board grants the motion dismissing Count III without prejudice and this docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 19, 2002, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board