

ILLINOIS POLLUTION CONTROL BOARD
June 16, 2005

| | | |
|-----------------------------------|---|-------------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 04-106 |
| |) | (Enforcement – Cost Recovery) |
| THOMAS GRAY, an individual, STEVE |) | |
| WHYTE, an individual, and GLADYS |) | |
| WHYTE, an individual, |) | |
| |) | |
| Respondents. |) | |

ORDER OF THE BOARD (by T.E. Johnson):

On December 29, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Thomas Gray, Steve Whyte, Gladys Whyte, Leona Childress and William McCoy. The complaint seeks to recover costs the Illinois Environmental Protection Agency allegedly incurred in undertaking corrective or preventative action to remove the accumulation of used and waste tires on a site owned by respondents in Momence, Kankakee County. The People allege the site is comprised of three parcels of land: one owned by Thomas Gray; one owned by Steve and Gladys Whyte; and one owned by Leona Childress and William McCoy.

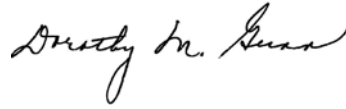
On June 1, 2005, the People filed a motion to voluntarily dismiss Leona Childress and William McCoy from the complaint. In the motion, the People assert that based on information developed during this proceeding Leona Childress and William McCoy should be dismissed without prejudice. To date, no response to the motion has been received by the Board.

If a party files no response to a motion within 14 days the party will be deemed to have waived objection to the granting of the motion. *See* 35 Ill. Adm. Code 101.500(d). The motion is granted. The Board hereby dismisses Leona Childress and William McCoy from the complaint. This dismissal is noted in the above caption.

Pursuant to a June 3, 2005 hearing officer order, the hearing scheduled for July 20, 2005, was canceled to allow the People to file a request to admit facts on the remaining respondents. The hearing officer is directed to ensure that this matter continues to proceed to resolution in a timely manner.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 16, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board