

ILLINOIS POLLUTION CONTROL BOARD

March 4, 2010

FLAGG CREEK WATER RECLAMATION)	
DISTRICT,)	
)	
Complainant,)	
)	
v.)	PCB 06-141
)	(Citizen's Enforcement - Water)
VILLAGE OF HINSDALE,)	
METROPOLITAN WATER RECLAMATION))	
DISTRICT OF GREATER CHICAGO,)	
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION, and DUPAGE)	
COUNTY,)	
)	
Respondents.)	

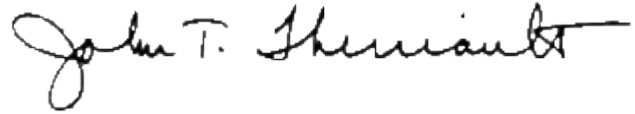
ORDER OF THE BOARD (by A.S. Moore):

On February 10, 2010, complainant Flagg Creek Water Reclamation District (FCWRD) filed a motion to dismiss the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) (Mot.). The motion states that, since the filing of the complaint in this action, FCWRD and MWRDGC have participated in settlement negotiations with one another. *See* Mot. at 2. The motion further states that, in February 2008 and January 2010, FCWRD and MWRDGC entered into separate intergovernmental agreements generally addressing the allegations in the complaint. *See id.* FCWRD states that, according to the terms of these agreements, "FCWRD agrees to voluntarily dismiss the MWRDGC with each party to bear its own costs and fees." *Id.*

Section 100.500(d) of the Board's procedural rules provides in pertinent part that, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion." 35 Ill. Adm. Code 101.500(d). No party has filed a response to the FCWRD's motion to dismiss MWRDGC. Having reviewed the motion, the Board grants the motion and dismisses MWRDGC as requested.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 4, 2010, by a vote of 4-0, with Member Zalewski abstaining.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board