

ILLINOIS POLLUTION CONTROL BOARD
August 11, 2016

FLAGG CREEK WATER RECLAMATION)
DISTRICT,)
)
 Complainant,)
)
 v.) PCB 06-141
) (Citizens Enforcement - Water)
 VILLAGE OF HINSDALE AND DUPAGE)
 COUNTY,)
)
 Respondents.)

ORDER OF THE BOARD (by J.D. O’Leary):

On March 3, 2006, Flagg Creek Water Reclamation District (FCWRD) filed a citizen’s water pollution complaint. FCWRD named as respondents the Village of Hinsdale, the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC), the Illinois Department of Transportation (IDOT), and DuPage County. *See* 415 ILCS 5/31(d) (2004); 35 Ill. Adm. Code 103.204. On June 29, 2006, FCWRD filed an amended complaint against the four respondents.

FCWRD operates a wastewater treatment plant. FCWRD alleged that the respondents execute their statutory duties in a manner that contributes excess flow to FCWRD during times of rainfall. FCWRD further alleged that these overflows prevent it from complying with terms and conditions of its water permits. On March 4, 2010, the Board granted FCWRD’s unopposed motion to dismiss MWRDGC. On June 7, 2012, the Board granted FCWRD’s unopposed motion to dismiss IDOT.

On August 4, 2016, FCWRD filed a motion to voluntarily dismiss this case (Mot.). The motion refers to measures undertaken by respondents and improvements observed by FCWRD. Mot. at 2. Based on these, FCWRD “believes that no purpose now exists to continue this case as the original issues giving rise to its decision to file it have been addressed as a result of these various improvements.” *Id.* FCWRD requests that the Board dismiss this case. FCWRD states that it “has discussed this Motion with both DuPage County and the Village of Hinsdale and agrees that each party should bear its own costs and fees.” *Id.*

The Board grants the motion, dismisses the case, and closes the docket as requested by FCWRD.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 11, 2016, by a vote of 4-0.

A handwritten signature in black ink that reads "Don A. Brown". The letters are cursive and fluid, with a large initial "D" and "B".

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board