

ILLINOIS POLLUTION CONTROL BOARD
November 2, 2000

RICHARD G. COTTERMAN,)
)
 Complainant,)
)
 v.) PCB 01-54
) (Enforcement - Noise, Air, Citizens)
 JACKSON FARMS,)
)
 Respondent.)

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

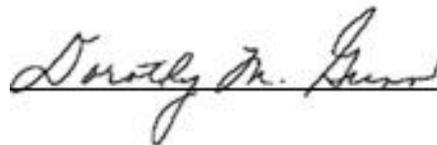
On September 20, 2000, Richard G. Cotterman filed a complaint against respondents, Jackson Farms and the City of Virden, concerning the Jackson Farms trucking facility in Virden, Illinois. The complaint alleges Jackson Farms and the City of Virden violated the Environmental Protection Act (Act) and Board regulations regarding air and noise pollution. On October 19, 2000, the Board found the allegations concerning Jackson Farms were neither frivolous nor duplicative and accepted the matter against the respondent for hearing. The Board found the complaint against the City of Virden was frivolous, and dismissed the City of Virden from the case.

On October 16, 2000, counsel for the City of Virden filed a motion to dismiss with the Board. Complainant, Richard G. Cotterman, filed a response to the motion, entitled Objection to the Motion to Dismiss, with the Board on October 23, 2000.

The Board finds that the motion to dismiss by the City of Virden and the objection by the complainant are moot because the Board already dismissed Virden from this matter in its order dated October 19, 2000. In that order, the Board found that the complainant neither demonstrated that the City of Virden violated the Act or Board regulations, nor requested relief that the Board can grant against the City of Virden.

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 2nd day of November 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board