

ILLINOIS POLLUTION CONTROL BOARD  
December 5, 1996

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-373
	)	(Enforcement - Land)
WAYNE BERGER and BERGER WASTE	)	
MANAGEMENT, INC.,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a November 7, 1996 amended complaint, accompanied by a motion for leave to file, filed by complainant People of the State of Illinois (People) against respondents Wayne Berger and Berger Waste Management, Inc. Respondents have not filed a response to the motion.

The People seek leave to amend the complaint by adding additional counts for additional violations, including the following: (1) failure to submit groundwater monitoring reports in violation of Section 21(o) and 21(d) of the Act, the Board's regulation at 35 Ill. Adm. Code 807.314, and permit requirements; and (2) failure to provide adequate roads at a landfill facility in violation of Section 21(d) of the Act and the Board's regulation at 35 Ill. Adm. Code 807.314. Additionally, the amended complaint makes clear that other violations at the site are alleged to be ongoing.

In support of the motion for leave to file, the People state that the new violations arise out of facts directly related to those alleged in the original complaint, and that it would be expeditious to allow them to be brought in the same action. Furthermore, the People assert that respondents have been given notice of the new violations and the opportunity to meet with the Agency in accordance with the requirements of Section 31(d) of the Act.

The motion for leave to amend the complaint is granted. The parties are encouraged to expedite these proceedings as much as possible.

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 \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board