

ILLINOIS POLLUTION CONTROL BOARD

July 12, 1971

FARMERS OPPOSED TO EXTENSION)	
OF THE ILLINOIS TOLLWAY et al.)	
)	
v.)	# 71-159
)	
ILLINOIS STATE TOLL HIGHWAY)	
AUTHORITY et al.)	

Opinion and Order of the Board (by Mr. Currie):

This complex citizen complaint seeks to interdict the construction of an extension of the Illinois Tollway westward from Aurora to the Mississippi River on an assortment of grounds. Many of the issues raised are novel and difficult, involving the interpretation of virgin sections of the Environmental Protection Act. Under section 31 (b) of that statute we must determine, before authorizing a hearing, whether or not the complaint is "duplicitous or frivolous." We have dealt with these terms before, in League of Women Voters v. North Shore Sanitary District, #70-7 (Oct. 8, 1970).

We should like enlightenment from the parties as to whether the complaint passes muster under these standards. The North Shore case gives guidelines as to the meaning of "duplicitous." The "frivolous" provision is designed to avoid expensive and time-consuming hearings on claims that cannot prevail even if the facts alleged are true.

We shall expect the filing of a response within twenty days. Both parties are invited to submit briefs, within twenty days after the response is filed, directed to the issues of duplicitousness and frivolousness.

It is so ordered.

I, Regina E. Ryan, Clerk of the Pollution Control Board certify that the Board adopted the above opinion this 12 day of July, 1971.

Regina E. Ryan