

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1991

RESIDENTS OF CEDARVILLE,)
)
 Complainant,)
) PCB 91-194
 v.) (Enforcement)
)
)
 VILLAGE OF CEDARVILLE,)
)
 Respondent.)

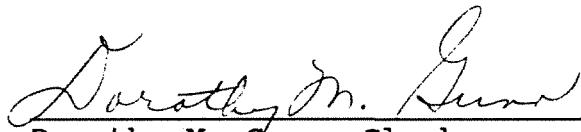
ORDER OF THE BOARD (by J. C. Marlin):

On October 18, 1991, this complaint was filed with the Board. On October 23, 1991 the Board received a "Response to and Petition to Reject Formal Complaint", filed by the Village of Cedarville ("Village"). The Village asks that the Board not accept the complaint for hearing as the complaint "has been and is being handled between the Illinois Environmental Protection Agency and the Village".

The Board has long held that a complaint is duplicitous if the allegations raised are identical or substantially similar to matters pending before the Board or if the complaint raised allegations identical or substantially similar to those in a suit in another forum. Winnetkans Interested In Protecting the Environment v. PCB, (1977), 55 Ill. App. 3d 475, 480, 370 N.E.2d 1176, 1179; Brandle v. Ropp, (June 13, 1985), PCB 85-68, 64 P.C.B. Op. 263. However, the Board has also held that if no other complaint has been filed, the instant complaint is not duplicitous. Fredette v. Village of Beecher, (April 27, 1989), PCB 89-61, 98 P.C.B. Op. 287. Therefore, the Board will accept this case for hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 7th day of November, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board