

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1991

WONDER VIEW IMPROVEMENT)
ASSOCIATION,)
)
Complainant,)
)
v.) PCB 91-48
) (Variance)
NORTHERN ILLINOIS)
UTILITIES INC.,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On March 13, 1991, the Wonder View Improvement Association ("WVIA") filed a formal complaint against Northern Illinois Utilities Inc. alleging violation of Section 602.101 of the Board's Regulations. The complaint alleges as follows:

The installation of a water main without construction per permits from the I.E.P.A. or the I.C.C., the lack of a proper survey and/or engineering study, and the placement of the main to(o) close to the edge of the road making it impossible for us to pave this road.

Complaint, Item 5.

In the request for relief, Complainants state that "(w)e are requesting that this section of pipe be declared abandoned." This statement fails to make clear the nature of the relief requested and whether the Board has authority to order such relief. It is uncertain whether the WVIA seeks:

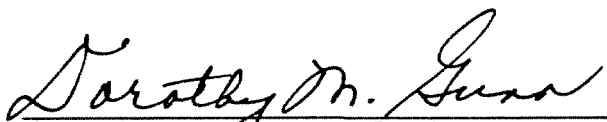
1. An order that Northern Utilities remove the water main;
2. A cease and desist order that would prohibit some conduct;
3. A declaration of legal title to some property interest; or
4. Some other relief.

As part of its determination on whether the complaint is frivolous or duplicitous, the Board hereby orders that, within 21 days from the date of this order, complainant shall file a statement specifically informing the Board of the relief requested and whether the Board has authority to grant such

relief under the Illinois Environmental Protection Act. Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$. Respondent may file a response not later than 35 days from the date hereof.

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 14th day of March, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board