

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1991

CARRELL AND MARY BATES,)
)
 Complainant,)
) PCB 91-154
 v.) (Enforcement)
)
 EDWARD E. BRAKE, ELLA F. BRAKE,)
 EUGENE GALE HEISER d/b/a)
 HEISER OIL & GAS CO., and)
 HEISER OIL & GAS CO.)
)
 Respondent.)

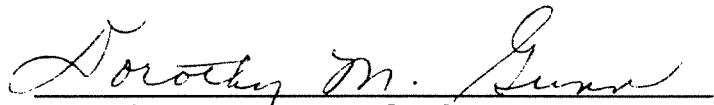
ORDER OF THE BOARD (by J. C. Marlin):

On August 30, 1991, Carrell and Mary Bates filed this complaint with the Board. On September 12, 1991, pursuant to Section 31(b) of the Environmental Protection Act (Ill. Rev. Stat. 1990 supp., ch 111 1/2, par. 1031) and 35 Ill. Adm. Code 103.124 of the Board's procedural rules, the complaint was held for Board determination of "whether the complaint is duplicitous or frivolous". 35 Ill. Adm. Code 103.124. At that public meeting, statements were made regarding the possibility of the Illinois Environmental Protection Agency participating in this proceeding. The Board has received certain correspondence from the Agency in response to those comments and the Board hereby places this correspondence into the record in this proceeding. The Board also directs the Clerk to serve the parties with a copy of the correspondence along with the copy of this Order.

The Board also finds that this complaint is not duplicitous or frivolous and directs the hearing officer to set this matter 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 26th day of September, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board