

ILLINOIS POLLUTION CONTROL BOARD

December 2, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 93-191
) (Enforcement - UST)
ESTATE OF LLOYD WIEMANN and)
CHERYL HALBROOKS,)
)
Respondents.)

ESTATE OF LLOYD WIEMANN,)
)
Cross-Complainant,)
)
v.) PCB 93-191
) (Enforcement - UST)
CHERYL HALBROOKS,) (Cross-Complaint)
)
Cross-Respondent.)

ORDER OF THE BOARD (by C. A. Manning):

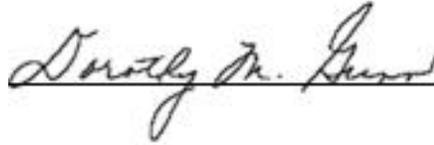
On November 8, 1999, the Estate of Lloyd Wiemann (Estate) filed a cross-complaint against Cheryl Halbrooks. The Estate alleges violations of the Board's underground storage tank regulations with respect to a site located at 1800 Vandalia Street, Collinsville, Madison County, Illinois.

The Board finds that the cross-complaint is neither duplicitous nor frivolous. See, *e.g.*, People v. Bell Sports (December 7, 1995), PCB 95-91, slip op. at 4 (finding cross-complaint neither duplicitous nor frivolous). Accordingly, the Board accepts the cross-complaint for hearing. The Board directs the hearing officer to ensure that this cross-complaint proceeds expeditiously to hearing in conjunction with the State's case.

IT IS SO ORDERED.

Board Member M. McFawn dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 2nd day of December 1999 by a vote of 5-1.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board