

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 75-362
)
WHEATON SANITARY DISTRICT,)
a municipal corporation,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Zeitlin):

The Complaint in this matter was filed by the Attorney General for the People of the State of Illinois on September 16, 1975. Respondent Wheaton Sanitary District on October 6, 1975 filed a Motion to Dismiss, to which the People responded on October 6, 1975.

The Complaint in this matter must be dismissed for procedural inadequacy. The Complaint alleges violation of Section 9(a) of the Act during the period immediately subsequent to the Board's entry of a final Opinion and Order in Environmental Protection Agency v. Wheaton Sanitary District, PCB 74-351 (June 6, 1975). In the Order was a direction that Respondent Wheaton Sanitary District "cease and desist from operating its Sewage Treatment Plant in violation of Section 9(a) of the Environmental Protection Act," subject to certain conditions, (Opinion and Order at 6). The instant Complaint by the Attorney General should instead be brought as an action to enforce our Order, in the proper forum, and is dismissed.

IT IS SO ORDERED.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6th day of November 1975 by a vote of 3-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board