

ILLINOIS POLLUTION CONTROL BOARD  
April 27, 1989

THOMAS S. FREDETTE, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 89-61  
 )  
 VILLAGE OF BEECHER, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by B. Forcade):

On April 5, 1989, Thomas S. Fredette filed a eight-count complaint against the Village of Beecher. On April 27, 1989, the Village of Beecher filed a motion to dismiss complaint as duplicitous or for alternative relief. The Board heard oral argument on the motion to dismiss at the April 27 regular Board meeting. The motion to dismiss is denied and this matter is accepted for hearing. At argument, counsel for the Village of Beecher admitted that the complaint is not frivolous and the Board finds that the complaint is not duplicitous at the present time.

If, as asserted in the motion to dismiss, the Illinois Environmental Protection Agency subsequently files an enforcement action against the Village of Beecher, Mr. Fredette is free to dismiss all or part of his complaint. He may also seek consolidation with any subsequently filed complaint.

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 27<sup>th</sup> day of April, 1989, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board