

ILLINOIS POLLUTION CONTROL BOARD  
April 12, 1979

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 76-84  
 )  
 SANTA FE PARK ENTERPRISES, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

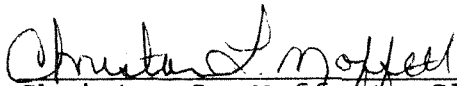
This matter is before the Board upon the November 17, 1978 motion by Complainant herein to compel payment of witness fees and the November 20, 1978 motion of Respondent herein to dismiss.

With respect to Complainant's motion to compel payment of witness fees, the Board finds that it has neither the power nor the inclination to enforce private agreements between the parties before it. The motion to compel payment of witness fees is therefore denied.

With respect to Respondent's motion to dismiss, the Board finds that this is not a proper forum to decide the constitutionality of a statute enacted by the Legislature of the State of Illinois. In addition, the Board finds that in cases such as this the Board is constrained to apply the law as it is currently stated. Finally, the Board is not persuaded by technical arguments about the language of PA 80-1422 put forth by Complainant. It is the Order of the Board, therefore, that this case be and is hereby dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 12<sup>th</sup> day of April, 1979 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board