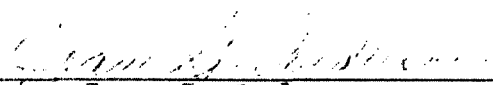


ILLINOIS POLLUTION CONTROL BOARD  
December 4, 1980

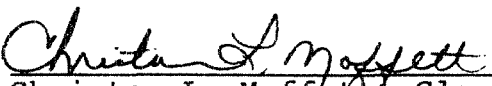
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 78-50  
 )  
NORTH SHORE SANITARY DISTRICT, )  
 )  
Respondent. )

Dissenting Statement (by J. Anderson):

Since the Agency's Motion to Dismiss was made after hearings had commenced, and since the Agency stated that it did "not believe it [could] sustain a prima facie case," I disagree with the Board's decision to dismiss this case without prejudice. In fairness to the Respondent, the motion should either have been decided with the case as a whole, or granted with prejudice (i.e. without leave to refile).

  
\_\_\_\_\_  
Joan G. Anderson

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Statement was filed on the 5<sup>th</sup> day of December, 1980.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board