ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

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

INTERIM ORDER OF THE BOARD (by J.D. Dumelle):

On November 12, 1980, the Agency moved to dismiss Count V of the Second Amended Complaint which alleges that Respondent has and continues to emit odors. In support of its motion, the Agency states that it "does not believe it can sustain a prima facie case."

The Board has received no objection to this motion, although, when this motion was orally made at hearing on October 29, 1980, the Village of Gurnee indicated that it might formally object (R. 815-817). As this motion was made after the hearing commenced, and the exhibits supporting the motion indicate that Respondent is not the source of the odor problem previously testified to at hearing, Count V of the Second Amended Complaint is hereby dismissed without prejudice.

IT IS SO ORDERED

J. Anderson dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 4th day of December, 1980 by a vote of 4-1.

Christan L. Moffett, Clerk
Illinois Pollution Control Board