

ILLINOIS POLLUTION CONTROL BOARD  
April 8, 1976

ROBERT H. BRUNS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 76-73  
 )  
 RICHARD H. BRICELAND, THOMAS )  
 CLARK and ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by Mr. Zeitlin):

The Board finds that the Complaint in this matter, filed on March 15, 1976, is frivolous and untimely. The Complaint is frivolous inasmuch as it fails to allege a single specific instance of the Agency's issuance of an improper permit for the disposal of hazardous or liquid wastes.

The Complaint is untimely, and not properly brought to this Board as an enforcement matter, insofar as its essence is an allegation that the Board acted improperly in the adoption of Chapter 7: Solid Waste, of its Rules and Regulations. The latter issue should properly have been brought as a part of the proceedings leading to the adoption of Chapter 7, and not in an enforcement case as attempted in the instant Complaint. See, also, Chapter 7, Rule 205(j).

Although a Motion to Dismiss this case was filed by the Attorney General for the Environmental Protection Agency on April 7, 1976, we need not decide that Motion, as it is moot in light of our decision on the issues listed above.

For the reasons above, the instant case is 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 8<sup>th</sup> day of April, 1976, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board