

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1973

CITIZENS FOR A BETTER ENVIRONMENT)
An Illinois Not-for-Profit Corporation)

v.)

PCB 73-481)

EVERETT J. LAVOIE, individually,)
and d/b/a LAVOIE SANITARY SERVICE)

ORDER OF THE BOARD (by Mr. Dumelle):

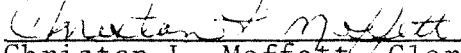
Complaint filed November 13, 1973 is dismissed because it alleges in Count 3 violations of Rule 305(c) from August 23, 1972 through September 8, 1973. Rule 305(c) was only enacted by the Board on July 19, 1973 and thus was not in effect under that number prior to this date.

Furthermore, the complaint prays for assessment of "reasonable attorneys fees" which is a power the Board does not have under the statute.

The complaint is dismissed without prejudice for lack of specificity and for requesting relief which the Board cannot grant.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 29th day of November, 1973 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board