

ILLINOIS POLLUTION CONTROL BOARD
October 18, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 73-403
)
WELLS MANUFACTURING COMPANY,)
)
Respondent.)

CITIZENS FOR A BETTER ENVIRONMENT,)
)
Complainant,)
)
v.) PCB 73-418
)
WELLS MANUFACTURING COMPANY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Henss)

Respondent Wells Manufacturing Company has filed a Motion to Dismiss the action which was commenced by Citizens for a Better Environment. The claim is made that the Complaint of the Citizens for a Better Environment is duplicitous of the Complaint which had been filed by the Environmental Protection Agency.

We find that the two actions are not duplicitous. Citizens for a Better Environment, a corporation, has a right to prosecute an enforcement action as does the Environmental Protection Agency. Since we have consolidated the two cases for hearing, Respondent will not be burdened with multiple hearings for the same event. We see no prejudice to Respondent in the procedure being followed. If it should appear in the future that a multiplicity of parties-Complainant could prejudice the rights of a Respondent, we will enter such protective orders as deemed appropriate at that time. No prejudice presently exists to the Respondent and we will deny the motion to dismiss.

It is ordered that the Motion to Dismiss be denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 18th day of October, 1973 by a vote of 5 to 0.

