

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-112
)
 U.S. SCRAP CORPORATION,)
)
 Respondent.)


ORDER (By Mr. Henss)

On March 24, 1972 the Environmental Protection Agency filed a complaint against U.S. Scrap Corporation alleging that respondent caused or allowed open burning, caused or allowed the discharge of particulate and gaseous emissions, and installed an incinerator without a permit in violation of certain provisions of the Environmental Protection Act. The EPA appearing by its attorney, the Attorney General of the State of Illinois, now moves that the prosecution case be dismissed. In support of its motion for dismissal the Agency states that the operations described in the complaint are no longer being conducted, that citizens are no longer willing to testify and that fire department records which were to form a basis for proof of the violations have been determined to be inaccurate.

We will allow the dismissal for the reasons suggested by the Agency. The dismissal will be without prejudice so that any citizen who disagrees with the action being taken by the Agency will have an opportunity to commence his or her independent action.

It is ordered that this action be and it is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above order was adopted on the 28th day of February, 1974 by a vote of 5 to 0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board