

ILLINOIS POLLUTION CONTROL BOARD
May 17, 1972

ENVIRONMENTAL PROTECTION AGENCY)
)
) PCB 71-346
)
MASCOUTAH TOWNSHIP)

OPINION OF THE BOARD (by Mr. Kissel):

On November 3, 1971, the Agency filed a complaint against Mascoutah Township alleging that since July 1, 1970, Mascoutah has operated a refuse disposal site in the township and that in operating the site had allowed the following in violation of the Environmental Protection Act and the regulations promulgated thereunder.

1. Open dumping of garbage and other refuse;
2. failure to obtain a permit for operation of the site;
3. open burning of refuse;
4. failure to spread, compact and cover the refuse;
5. failure to employ insect and rodent control measures;
and
6. deposition of refuse into standing water.

On May 10, 1972, the Agency asked that the case be dismissed "by reason of the fact that the factual situation giving rise to this complaint no longer exists". The Agency did not file any other supporting information with its motion to dismiss.

It has always been the Board's policy that cases will only be dismissed if adequate reasons are given by the person who has filed the complaint. Without that statement of reasons, it is impossible for the Board and the public to know the justification for the dismissal. Therefore, before the Board takes any action on the Agency motion to dismiss, it must require that the Agency set forth, in some detail, the reasons it seeks to withdraw the case.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted by the Board on this 17th day of May, 1972, by a vote of 4-0.

