

ILLINOIS POLLUTION CONTROL BOARD
September 30, 1971

FARMERS OPPOSED TO EXTENSION)
OF THE ILLINOIS TOLLWAY et al.)
)
)
v.)
)
)
ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY et al.)

71- 306

Preliminary Order of the Board:

In an opinion issued September 16, 1971, we dismissed a complaint filed by those complainants seeking to stop the extension of the Illinois Tollway west to the Rock River, with leave to file a new and more specific complaint (#71-159). We have since received what is entitled a motion, asking that we direct the Tollway Authority to file the environmental impact assessment of its existing facilities required by section 47 (b) of the Environmental Protection Act, on the ground it is necessary to the preparation of an amended complaint.

As a discovery motion this is premature, since there is no complaint pending before us. But section 47 (b) imposes a plain and enforceable duty on all state agencies to file such statements, and any citizen is authorized to file a complaint for violation of any section of the Act. The allegation that the Authority has failed to file such a statement is neither duplicitous nor frivolous, and therefore we construe the motion as a complaint and authorize a hearing.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 30 day of September, 1971.

