

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 1994

JAMES M. TONNE and )  
JEANINE F. TONNE, )  
 )  
Complainant, )  
 )  
v. ) PCB 93-44  
 ) (Enforcement)  
 )  
LEAMINGTON FOODS, )  
 )  
Respondent. )

ORDER OF THE BOARD (by E. Dunham):


On March 2, 1993, James M. Tonne and Jeanine F. Tonne (Tonnes) filed a formal complaint against Leamington Foods (respondent). The Tonnes allege that the refrigeration fans at respondent's store are emitting noise in violation of Sections 23 and 24 of the Environmental Protection Act (415 ILCS 5/23 and 24 (1992)).

On July 13, 1993, the hearing officer entered an order postponing hearing in this matter indefinitely. The hearing officer's order also stated that respondent's business had been sold and that the equipment at issue has not been operating. The hearing officer ordered the parties to report on the status of this matter by October 6, 1993. No status reports were filed with the hearing officer or the Board.

Considering these facts and the parties' inaction in this matter, the Board believes that this matter is subject to dismissal for want of prosecution. The Board hereby orders the complainants to show cause why this matter should not be dismissed. Complainants shall file their reply by April 15, 1994. Failure to comply with this order may result in this matter being dismissed at the Board's meeting on April 21, 1994.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of March, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board