

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1988

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 84-122
)	
ACME SOLVENT RECLAIMING INC.,)	
an Illinois Corporation)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the Illinois Environmental Protection Agency's (Agency) motion to dismiss complaint without prejudice made at hearing on April 11, 1988. In support of its motion the Agency stated as follows:

This complaint was filed before the Board on August 3, 1984. It is a Board Order follow-up action which seeks to enforce the Board's Order of PCB 72-228/ PCB 72-436.

That Order required restoration of the site, on information and belief that site was not adequately restored per the Order and this action was commenced in order to seek enforcement of that part of the Order.

On information and belief, a Federal action has been commenced concerning the Acme site and pursuant to this Federal action, a clean-up was conducted and generators were pursued for the Clean-up cost and on information and belief, the site has been restored and the liable parties and potentially responsible parties have paid for at least 95 percent of the clean up.

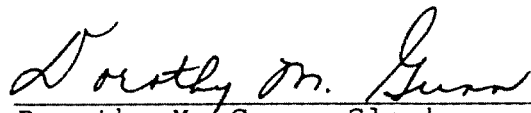
Because the restoration of the site has been accomplished at the cost to liable parties, the object of this action has substantially been achieved and therefore, the Agency requests that this complaint be dismissed without prejudice, in the event that it needs to address any further undiscovered ground

water contamination at the site. Therefore, the Agency respectfully requests that this motion to dismiss this action without prejudice be granted.

The Agency's motion to dismiss without prejudice is hereby granted. This docket is closed. In the event that the Agency seeks to take any further action against Respondent, a new docket will be opened, and this record can be incorporated by reference therein.

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 2nd day of June, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board