

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

THOMAS S. FREDETTE,)
)
 Complainant,)
)
 v.) PCB 89-61
) (Enforcement)
 VILLAGE OF BEECHER,)
)
 Respondent.)

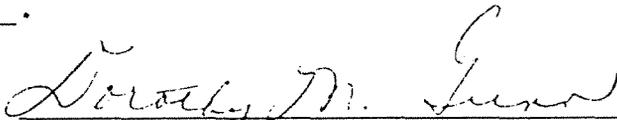
ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a Motion to Dismiss Complaint or for Alternative Relief filed July 27, 1990 by the Village of Beecher ("Village"). The motion comes more than four months after the Board entered default against the Village and in favor of Petitioner Thomas Fredette in this matter. It also comes four months after we affirmed our default order after a motion to reconsider that was filed by the Village. Thomas Fredette filed a Response to Motion to Dismiss on August 6, 1990.

The motion states that the matter is duplicative of an enforcement proceeding filed in Will County Chancery Court which has now been settled. The motion also states that under our procedural rules the Board may dismiss Fredette's complaint for this reason "at any time". This is not the first time the Village has raised this matter, however. In its order of April 27, 1989 the Board determined that the allegations in Fredette's complaint were not duplicative. Our review of Fredette's Complaint and the Consent Decree entered by the Village and the People of the State of Illinois finds this to be still true. Therefore, this motion is denied.

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 9th day of August, 1990, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board