

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1984

RUSS AND HAZEL TREAT,)
)
Complainants,)
)
v.) PCB 84-94
)
ILLINOIS RADIATOR,)
)
Respondent.)

DISSENTING OPINION (by J. Theodore Meyer):

I am dissenting from the Order which dismissed this case without prejudice, for the following reason. The Board ordered IEPA to investigate the complaint and to report back to the Board IEPA's disposition of Treat's complaint. Although Rule 101.110 provides that the Clerk shall send a copy of the complaint to the Agency, and request a response to the Board, I am of the opinion that this rule oversteps the jurisdiction and authority of this Board. This Board does not have statutory authority to order IEPA to investigate a complaint, and then have the IEPA report back to this Board and have this Board judge the results of IEPA's action. We might find ourselves in the position of ordering the IEPA to file an enforcement action where the IEPA and the Attorney General did not feel that that action would be warranted.


Member of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion was filed on the 24th day of August, 1984.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board