

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 1987

CONCERNED NEIGHBORS FOR A )  
BETTER ENVIRONMENT, )  
 )  
Complainant, )  
 )  
v. ) PCB 85-131  
 )  
WATTS TRUCKING SERVICE, INC., )  
 )  
Respondent. )

ORDER OF THE BOARD (by B. Forcade):

On May 7, 1985, Concerned Neighbors for a Better Environment (hereinafter "Concerned Neighbors") filed a complaint against Watts Trucking Service, Inc. (hereinafter "Watts"). The twelve count complaint charged Watts with various violations of the Environmental Protection Act ("Act"), Board regulations and prior Board Orders [Environmental Protection Agency v. Watts Trucking Service, Inc., PCB 74-131 and People v. Watts Trucking Service, Inc., PCB 77-162]. The complaint sought, as relief, revocation of Watt's permit for a landfill, civil penalties and a cease and desist order. Hearing was set for November 5, 1986.

At the November 5, 1986, hearing, Respondent Watts was present by counsel. Counsel for complainant did not attend the hearing. Several members of complainants' organization moved for continuance (R. 8), but that motion was denied (R. 20). Respondent moved for dismissal with prejudice or default (R. 19). The hearing officer referred that motion to the Board (R. 20-21). The hearing officer advised the members of complainants' organization of the opportunity to oppose the motion for default judgment by filing appropriate documents with the Board (R. 21). No such opposition has been filed.

The Board orders that complainant shall show cause, by verified filing not later than February 6, 1987, why this matter should not be dismissed for want of prosecution. Respondent is allowed until February 16, 1987, to file a response.

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 22<sup>nd</sup> day of January, 1987, by a vote of 6-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board