

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1978

COUNTY OF OGLE,)
)
 Complainant,)
)
 v.) PCB 78-149
)
 BROWNING-FERRIS INDUSTRIES OF)
 ROCKFORD, INCORPORATED,)
)
 Respondent.)


ORDER OF THE BOARD (by Mr. Goodman):

On June 19, 1978, Respondent filed a Motion to Dismiss the Complaint herein. Respondent argues that the Complaint is frivolous and duplicitous because it does not allege continuing violations and because the alleged violations have been corrected. The Board finds, however, that a Complaint is certainly not insufficient merely because it alleges past as opposed to continuing violations and that correction of violations may be raised at the hearing as mitigation but does not render the Complaint frivolous or duplicitous.

The Motion to Dismiss is hereby denied, and the matter is set for hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22nd day of June, 1978 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board