

ILLINOIS POLLUTION CONTROL BOARD
April 18, 1974

THE RUTLAND ENVIRONMENTAL PROTECTION)
ASSOCIATION, an unincorporated assoc-)
iation, and Everett G. McLean, its)
president and Everett G. McLean, in-)
dividually,)
COMPLAINANTS)

v.)

PCB 74-83)

THE BOARD OF SUPERVISORS OF KANE)
COUNTY, ILLINOIS: FAMILY LEISURE)
CENTERS, INC., a corporation)
and KANE COUNTY, ILLINOIS, a municipal)
corporation,)
RESPONDENTS)

OPINION OF THE BOARD (by Mr. Marder)

Motion of Respondent, Family Leisure Centers, Inc., to Strike and Dismiss Amended Complaint is hereby granted.

The Board finds that this cause of action is not yet ripe for adjudication by the Board as an enforcement matter.

In order for Respondents to construct their proposed development, either the Illinois Environmental Protection Agency or the United States Environmental Protection Agency will have to issue permits. For NPDES permits issued by the United States Environmental Protection Agency there will be a public comment period, during which Complainant may object to a permit being granted. For State of Illinois permits, Complainant has the right to appeal any permit issued by the Agency to the Board. At that time the Board would have issues before it that would be within its jurisdiction to decide.

IT IS THE ORDER of the Pollution Control Board that this action is hereby dismissed without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 18th day of April, 1974, by a vote of 5 to 0.

Christan L. Moffett

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