

ILLINOIS POLLUTION CONTROL BOARD  
August 1, 1972

TREND HOMEOWNERS ASS'N )  
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 v. ) #72-304  
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 CITY OF HANOVER PARK )

Preliminary Opinion & Order of the Board (by Mr. Currie):

This citizen complaint charges the City with polluting the air with odor and foam and with discharging sewage into the West Branch of the DuPage River and onto residential property. The allegations are serious, and we shall grant leave to amend the complaint, if desired, so as to contain the additional information required by our Procedural Rule 304, a copy of which will be sent to the complainant association. Such information must be included in order to give the City, if it be the proper party complained against, adequate notice and opportunity to know the charges against which it must defend.

We also call the association's attention to the fact that, if an amended formal complaint is filed, the association will bear the burden of proving before the Board the allegations made. The Board's function is like that of a court; we cannot investigate or prove cases, but must decide on the basis of evidence presented by the parties. This is often a difficult task, but the burden has been successfully borne a number of times in the Board's brief history. E.g., League of Women Voters v. North Shore Sanitary District, #70-7 (March 31, 1971). For complainants who are not prepared to assume such an active part, we can treat the complaint as an informal one and refer it to the Environmental Protection Agency, the official state enforcement agency, for investigation and possible prosecution.

We shall allow 30 days for the filing of an amended formal complaint, in the absence of which we shall refer the matter to the Agency for investigation.

It is so ordered.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Opinion & Order this 1 st. day of August, 1972, by a vote of 5-0.

