

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1990

THOMAS & LISA ANNINO)
)
Complainants,)
)
v.) PCB 87-139
) (Enforcement)
)
BROWNING-FERRIS INDUSTRIES)
OF ILLINOIS,)
)
Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon its own motion. On August 18, 1988, the Board adopted an Interim Opinion and Order finding that Browning-Ferris Industries of Illinois (BFI) violated Ill. Rev. Stat. (1987) ch. 111 1/2 par. 1023, 1024, and 35 Ill. Adm. Code 900.102 and directing BFI to comply with a list of 22 items. Items 20, 21, and 22 required BFI to respond to the Board with certain information no later than October 15, 1988. On October 17, 1988, BFI filed its response.

BFI states that the first 19 items set out in the Board Order are steps that BFI instituted in 1980 and which have continued to the present. BFI responded adequately to the remaining 3 items. BFI states that since the hearing in this matter on January 13, 1988, it has received no complaints regarding sound levels from the condominium residents. BFI requests the Board to consider the lack of recent complaints and BFI's own action and conclude that no further action is needed by BFI.

On January 25, 1990, the Board adopted an Order requiring a Status Report from the Complainants, Thomas and Lisa Annino. The Board stated that if there is no response by February 28, 1990, the matter would be subject to dismissal. On February 24, 1990, the Board Order that was mailed to the Complainants was returned to the Board, with notification that the post office was unable to forward the letter.

As the Complainants have not informed the Board of their current address, the Board believes that the Complainants no longer wish to prosecute their action.

As a result, the Board grants BFI's request and concludes that no further action is needed by BFI. This matter is hereby concluded and the docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of March, 1990, by a vote of 7-0.

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