

ILLINOIS POLLUTION CONTROL BOARD
September 5, 1985

BRUCE JACOBSON and)
KATHERINE JACOBSON,)
)
Complainants,)
)
v.) PCB 85-30
)
KATHLEEN GIENCKE,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):


The complaint, filed March 5, 1985, alleges that respondent's use of a woodburning stove causes air pollution, with smoke from the stove entering the complainants' home. Hearing was held in this matter on June 6, 1985, at which the parties presented a proposed "consent order" for acceptance by the Board. By Order of July 11, 1985, the Board declined to accept the proposal as drafted, but further noted that unless the Board had received "some filing indicating an intent to proceed, within 45 days of this Order [August 26, 1985], this matter will be subject to dismissal." By letter of August 27, the Jacobsons requested that this matter "be removed from the Board's agenda" inasmuch as Ms. Giencke has sold her home and is relocating.

The Board construes the letter as a motion for voluntary dismissal, which is granted. The Board also notes that the Jacobsons are correct in their assumption that they are not precluded from filing a similar complaint against the new owner in the event that they believe woodburning by the new owner is in violation of the Environmental Protection Act or the Board's rules.

IT IS SO ORDERED.

J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5th day of September, 1985, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board