judicata, and that the request for relief in the circuit court was not premature. We accordingly reverse the order of the circuit court.

As indicated, the circuit court dismissed the plaintiffs' complaint without reaching the merits of the controversy because it viewed the action as premature in that plaintiffs did not exhaust their administrative remedies. This threshold procedural issue must first be given some attention.

The ordinary procedure for reviewing a decision of the Pollution Control Board is pursuant to the Administrative Review Act (Ill. Rev. Stat. 1973, ch. 110, par. 264 *et. seq.*).[3] Section 2 thereof provides in part:

> [3] The procedure is modified somewhat by section 41 of the Environmental Protection Act, which provides for direct review in the appellate court rather than in the circuit court first. Ill. Rev. Stat. 1973, ch. 111 1/2, par. 1041.

> "This Act shall apply to and govern every action to review judicially a final decision of any administrative agency where the Act creating or conferring power on such agency, by express reference, adopts the provisions of this Act. In all such cases, any other statutory, equitable or common law mode of review of decisions of administrative agencies heretofore available shall not be employed after the effective date hereof." Ill. Rev. Stat. 1973, ch. 110, par. 265.

• 1 The Administrative Review Act therefore applies where a final decision of an administrative agency has been made; and other modes of review in such cases are abolished. (*People ex rel. Carpentier v. Goers,* 20 Ill.2d 272, 170 N.E.2d 159.) In the instant action however, plaintiffs seek in effect to prevent the State of Illinois from twice prosecuting and fining them for the same offense. We feel that to allow a remedy in a judicial forum only after the fact of double prosecution would be improper and could not be mandated by the Administrative Review Act. That act, like any statute, should be interpreted so as to promote its essential purposes and to avoid, if possible, a construction that would raise doubts as to its validity. (*Craig v. Peterson,* 39 Ill.2d 191, 201, 233 N.E.2d 345, 351.) Similar exceptions to ordinary administrative review have been sanctioned. See *People ex rel. Hurley v. Graber,* 983 405 Ill. 331, *983 90 N.E.2d 763; *W.F. Hall Printing Co. v. Environmental Protection Agency,* 16 Ill. App.3d 864, 306 N.E.2d 595.

• 2 In regard to the merits, we emphasize first that both the action filed by the city and by the EPA and CBE similarly alleged that beginning with April 26, 1974, a leak developed in one of the storage tanks on Bulk's premises and by virtue of the leak the silicon tetrachloride contained in the tank reacted with the moisture in the air to produce certain emissions of hydrochloric acid vapor and silicone dioxide. This was alleged to have polluted the air or atmosphere as prohibited by the Environmental Protection Act and the Municipal Code of Chicago. A review of the statute and ordinance, set out in footnotes above, will indicate that there is a substantial similarity between the two. We therefore are of the opinion that the plaintiffs are being exposed to double jeopardy. *Cf. Waller v. Florida,* 397 U.S. 387; *People v. Allison,* 46 Ill.2d 147, 263 N.E.2d 80.

• 3 In *Waller v. Florida,* the petitioner had been convicted and sentenced by the city of St. Petersburg for violating city ordinances against destruction of city property and disorderly breach of the peace when he and a group of others removed and damaged a mural which had been affixed to a wall inside the city hall. Subsequently the State of Florida charged petitioner with grand larceny, and it was conceded that the charge was based on the same acts as were involved in the city ordinance violations. The United States Supreme Court held that successive State and municipal prosecutions for the same conduct constituted

double jeopardy. It found relevant certain language in its opinion in *Reynolds v. Sims,* 377 U.S. 533, 575, to which we also subscribe:

> "Political subdivisions of States — counties, cities or whatever — never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions."

In the case here, the State has delegated certain of its authority to protect the environment to various subordinate governmental instrumentalities, *e.g.,* municipal corporations, the Pollution Control Board, the EPA.[4] These are not sovereign entities; they are the State of Illinois acting through different agencies. The CBE, although not a State agency as such, by its actions before the Board, purports to represent the people of the State of Illinois under a unique provision of the
984 Environmental Protection Act *984 authorizing such private initiation of enforcement actions. (Ill. Rev. Stat. 1973, ch. 111 1/2, par. 1031(b).) In effect the CBE is acting as a private attorney general, and we view its position to be no different for our purposes here than the State agencies empowered to deal with pollution matters. One prosecuted should not lose the protection made applicable here because of the State's choice of the manner of commencing the action. We further note that ultimate enforcement of any Board order entered in the action commenced by the CBE would be by means of an action by the State's Attorney or Attorney General in the Circuit Court of Cook County, which action would not be brought in the name of the CBE but rather in the name of the People of the State of Illinois. (Ill. Rev. Stat. 1973, ch. 111 1/2, par. 1042(e).) The State, having once placed plaintiffs in jeopardy, cannot do so again through the device of a statutory scheme of citizen-initiated administrative action for penalties.

> 4 We again note that the complaints filed by the city were entitled "In the Name and by the Authority of the People of the State of Illinois — City of Chicago a municipal corporation, Plaintiff v. Bulk Terminals Company."

The defendants center their entire argument regarding double jeopardy on the premise that it is inapplicable because the action before the Board[5] dos not seek the imposition of "criminal" sanctions. (*Helvering v. Mitchell,* 303 U.S. 391.)

> 5 The nature of the city fine is not focused upon by the defendants. The language of the ordinance elucidates this somewhat in indicating the intent to *punish* violators:
>
> > "Any person found guilty of violating * * * any of the provisions of this Article II * * * upon conviction thereof shall be *punished* by a fine of not less than One Hundred Dollars nor more than $300.00 for the first offense, and not less than $300.00 nor more than $500.00 for the second and each subsequent offense, in any 180 day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi criminal actions subject to the provisions of the Illinois Civil Practice Act * * *." (Emphasis added.) Chicago Municipal Code sec. 17-2.62 (1973).

• 4 We first point out that one need not be threatened with more than a mere fine for the principle of double jeopardy to apply. In *People v. Allison,* 46 Ill.2d 147, 263 N.E.2d 80, for example, the State unsuccessfully attempted to distinguish *Waller v. Florida,* 397 U.S. 387, discussed above, by claiming that double jeopardy was not invocable since one of the prosecutions involved