

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1993

MATERIAL RECOVERY CORPORATION,)
)
Petitioner,)
)
v.) PCB 93-11
) (Landfill Siting)
VILLAGE OF LAKE IN THE HILLS,)
)
Respondent.)

ORDER OF THE BOARD (by G. T. Girard):

On April 30, 1993, respondents filed a motion for leave to file an affirmative defense. Petitioners have not responded. An affirmative defense is generally allowed in an enforcement proceeding under 35 Ill. Adm. Code 103 of the Board's rules. However, this is a landfill siting appeal and not an enforcement action. The respondent will have sufficient opportunity to raise its arguments at hearing and in briefs. Therefore, the Board denies the motion to file an affirmative defense.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of May, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board