ILLINOIS POLLUTION CONTROL BOARD April 24, 1975

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.) }	PCB 75-125
MORTON-NORWICH PRODUCTS, INC.,)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin)

Respondent Morton-Norwich Products, Inc., filed a Motion to Dismiss the Complaint in this matter on April 8, 1975. In its Motion, Morton-Norwich claims that the Complaint in this matter is insufficient in that it fails to allege with sufficient specificity the activities or events complained of, and is generally vague and indefinite. Respondent apparently labors under a mistaken belief that this Board requires detailed fact pleadings; on the contrary, it is clear from a reading of the Complaint in this matter that it is sufficiently clear and specific to allow Respondent a reasonable opportunity to prepare its defense.

Further, Respondent's Motion states that the Complaint is insufficient in that it does not allege "ultimate facts of odor pollution". That is to say, the Complaint does not "allege facts from which it could be found that Respondent has unreasonably interfered with the enjoyment of life or property". Insofar as they are necessary, a reading of the Complaint clearly shows that these facts are adequately alleged.

Finally, Respondent states that the Complaint is insufficient insofar as it fails to allege a violation of this Board's Rules and Regulations, so as to enable Respondent an opportunity to employ the prima facie defense provided by Section 49(e) of the Environmental Protection Act. Ill. Rev. Stat. Ch. $111\frac{1}{2}$, Section 1049(e). Neither this Board nor the Environmental Protection Act requires any such allegation. Respondent's Motion to Dismiss must be denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify that the above Interim Order
was adopted on the 441 day of by a vote
of 4 to 6.

Christan L. Moffett, Clerk
Illinois Pollution Control Board