

ILLINOIS POLLUTION CONTROL BOARD  
December 1, 1994

RODNEY B. NELSON, M.D., )  
 )  
Petitioner, )  
 )  
v. ) PCB 94-247  
 ) (Permit Appeal)  
KANE COUNTY FOREST PRESERVE, )  
BRADLEY SAUER, CHAIRMAN; )  
WILLIAM LARSEN, GENERAL MANAGER and )  
KANE COUNTY BOARD, )  
WARREN KAMMERER, CHAIRMAN, )  
 )  
Respondents. )

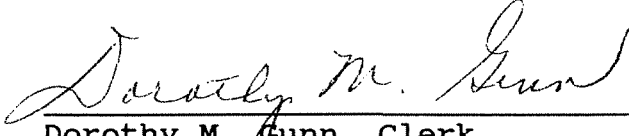
ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on a November 10, 1994 filing by Respondent Kane County Forest Preserve. Respondent filed Affirmative Defenses which requested that the Board "dismiss this complaint". On November 21, 1994 petitioner filed a motion requesting that the Board deny respondent's request for dismissal.

To the extent that respondent may be requesting that the Board construe this filing as a motion to dismiss, the Board notes that, pursuant to 35 Ill. Adm. Code 103.140(a), all motions by respondent to dismiss the complaint must be filed with the Board within 14 days after receipt of complaint. The instant complaint was filed on September 9, 1994. The request for dismissal is thereby untimely filed. However the Board notes that all arguments on the merits of this case may still be raised and argued at hearing.

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 1<sup>st</sup> day of December, 1994, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board