

ILLINOIS POLLUTION CONTROL BOARD  
July 21, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 81-144  
 )  
MARATHON OIL COMPANY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by I. Goodman):

On May 25, 1982 Marathon Oil Company (Marathon) filed a Motion to Strike Count I and a part of Count II of the Complaint filed by the Illinois Environmental Protection Agency (Agency) on September 14, 1982. The Agency filed a response on June 7, 1982. With the Board's authorization, replies were filed by Marathon and the Agency on July 1 and July 12, 1982, respectively. Procedural Rule 308(a) requires motions to dismiss or strike portions of the Complaint to be filed within 14 days after receipt of the Complaint. Marathon's Motion to Strike is therefore untimely. In addition, those portions of the Complaint Marathon requests stricken involve matters of fact involving possible environmental harm and are properly subject of hearing in this matter. The motion is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21<sup>st</sup> day of July, 1982 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board