

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1977

CITIZENS FOR A BETTER ENVIRONMENT,)
)
 Complainant,)
)
 v.) PCB 74-171
)
 BULK TERMINALS COMPANY and)
 GERALD SPAETH,)
 Respondents.)

- and -

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 74-193
)
 BULK TERMINALS COMPANY and CABOT)
 CORPORATION,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Goodman):

On August 25, 1977, Respondents Bulk Terminals Company and Gerald Spaeth filed a Second Amended Motion to Dismiss the above-captioned matters. The Second Amended Motion to Dismiss raises issues substantially identical to those raised in a prior Amended Motion to Strike and Dismiss filed by Respondents on August 16, 1974. The prior Amended Motion was denied by the Board. The Board finds that this Second Amended Motion to Dismiss is in fact a Motion for rehearing of the prior Amended Motion, denied three years ago, and as such is untimely. The Second Amended Motion to Dismiss is, therefore, denied.

In addition, on August 25, 1977, Respondents filed a Motion for Oral Argument. That motion is denied.

27-213

26-387

27-287

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 1st day of September, 1977 by a vote of 5-0.

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

27-214
~~26-388~~
27-286