

ILLINOIS POLLUTION CONTROL BOARD
September 29, 1975

MONSANTO COMPANY,)
)
) Petitioner,)
)
 vs.) PCB 75-330
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Respondent on September 12, 1975 filed a Motion to Dismiss the variance petition, alleging that the variance petition does not contain the information required by Rule 401(a) of the Pollution Control Board's Procedural Rules. We believe that the petition is adequate as a pleading and will therefore deny the Motion to Dismiss. Respondent's Motion amounts to a request that the Petitioner plead its evidence and we do not wish to require the Petitioners to put such detail into its pleadings especially where another method is available for providing the detailed evidence. This particular matter will be assigned for hearing and the parties will be entitled to appropriate discovery pursuant to the Board's Procedural Rules.

It is Ordered that the Motion to Dismiss be denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted the 29th day of September, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board