

ILLINOIS POLLUTION CONTROL BOARD

April 18, 1974

CITIZENS FOR A BETTER ENVIRONMENT,)	
an Illinois Not-for-Profit Corp.,)	
)	
Complainant,)	
)	
vs.)	PCB 74-29
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Respondents.)	

ORDER DENYING MOTION FOR SUMMARY JUDGMENT (by Mr. Henss)

Complainants have filed an enforcement action under the provisions of Section 31(b) of the Environmental Protection Act. That Statute provides that "any person may file with the Board a complaint, meeting the requirements of Subsection A of this Section, against any person allegedly violating this Act or any rule or regulation thereunder or any permit or term or condition thereof". Complainants now move for summary judgment on the ground that Respondents have failed to answer a "Request for Admission of Fact".

The Motion for Summary Judgment is denied. Summary judgment is not one of the remedies for failure to answer a request for admission of fact. The Statute provides in Section 31(b) that such citizen complaints shall be scheduled for hearing. Upon hearing the provisions of our Procedural Rule 314 shall be followed with respect to the request for admission of fact and any failure to answer it.

Motion for Summary Judgment is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 18th day of April, 1974 by a vote of 5 to 0.

Christan L. Moffett
CLM