ILLINOIS POLLUTION CONTROL BOARD
March 15, 1973

ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
	)	#72-65
v.	)	
	)	
EARL B. ARCHDALE	)	

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Interim order was entered by the Board on August 29, 1972, which returned the case to the Hearing Officer for further proceedings consistent with the order. An amended complaint was filed by the Agency on February 15, 1973, to which a motion to dismiss was filed by Respondent alleging that the complaint fails to state a cause of action and contains a statement that the amended complaint has been the subject of final adjudication, and any hearings on the matter would be res judicata.

Our review of the complaint discloses that a cause of action is stated and we are unable to determine from the motion the basis on which the doctrine of res judicata is advanced.

The motion to dismiss is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was entered on the _____ day of March, 1973, by a vote of _____ to _____.