

ILLINOIS POLLUTION CONTROL BOARD  
July 26, 1973

ENVIRONMENTAL PROTECTION AGENCY )  
)  
)  
v. ) #73-109  
)  
ARNOLD N. MAY, HILLVIEW FARMS )  
FERTILIZER, INC., a domestic )  
corporation and ARNOLD N. MAY )  
BUILDERS, INC., a domestic )  
corporation )

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

Respondent has filed a motion to dismiss the complaint, alleging that the absence of plant nutrient Regulations in some way precludes the Agency from prosecuting a complaint under Section 12(a) of the Act relating to water pollution.

Since the Agency does not appear to be prosecuting its complaint on the basis of regulatory violations but rather on the causing or allowing of water pollution, we find Respondent's position lacking in merit. This is particularly true in view of the alleged additional violations of 12(b) relating to permit violations and 12(d) relating to water pollution hazards, together with allegations of 9(a) relating to air pollution.

Respondent's motion to dismiss the amended complaint is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Order was adopted on the 26<sup>th</sup> day of July, 1973, by a vote of 4 to 0.

