

ILLINOIS POLLUTION CONTROL BOARD  
October 17, 1980

COUNTY OF PEORIA, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 80-38  
 )  
 BACON'S FARM, LTD., et al. )  
 )  
 Respondents. )

ORDER OF THE BOARD (by J. Anderson):

Pursuant to leave of the Hearing Officer, a Supplemental Complaint was filed in this action on August 4, 1980. Thereafter, a Motion to Dismiss was filed with the Hearing Officer, but this Motion was not received by the Board until October 3, 1980. Complainant's Reply was received by the Board on August 27, 1980.

Respondents' Motion to Dismiss is denied. The Supplemental Complaint alleges the same type of violation of Rule 203 of Chapter 8: Noise Regulations, although of later occurrence, as does the original Complaint filed February 21, 1980. The Board finds that the supplemental filing was properly allowed, and that there was no undue surprise to Respondents. The second hearing on this matter, since cancelled, was to have been held on September 18, 1980. Respondents would have had adequate time between August 4 and September 18 to prepare a defense against the supplemental allegation.

Hearing on the original and supplemental Complaints shall be scheduled and held within 45 days of the date of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17<sup>th</sup> day of October, 1980 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board