

ILLINOIS POLLUTION CONTROL BOARD
January 4, 1979

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 78-258
)	
K.L. OIL CO., d/b/a K&L AUTO WASH,)	
)	
Respondent.)	


ORDER OF THE BOARD (by Mr. Goodman):

On December 28, 1978, Respondent filed a Motion for Continuance herein seeking a six-month continuance in order to allow completion of a study Respondent has commissioned. Complainant objects to this continuance. The Board finds that the study is not sufficient cause to further delay this matter for such an extended period. The Motion for Continuance is denied.

In its Objection to Motion for Continuance, Complainant moves to strike paragraph 3 of Respondent's Motion for Continuance based upon the Board's December 14 Order debarring Respondent from maintaining a claim or defense based on economic reasonableness or ability to pay a penalty. However, because an allegation in a motion is not evidence, the Board finds there is no need to strike the allegation and hereby denies Complainant's Motion.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4th day of January, 1979 by a vote of 4-0.



 Christan L. Moffett, Clerk
 Illinois Pollution Control Board