

ILLINOIS POLLUTION CONTROL BOARD
December 14, 1978

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 1, 1978, the Environmental Protection Agency filed a Motion for Sanctions against Respondent, K.L. Oil Co., for failure to comply with discovery orders in this matter. Respondent filed a Response to Interrogatories and a Response to Motion for Sanctions on December 8, and the Environmental Protection Agency filed a Reply to the Response on December 12. In its Reply, the Agency points out that Respondent failed to supply financial data sought in the Interrogatories.

The Board finds that Respondent has failed to comply with a discovery order. In accordance with Procedural Rule 701, we order that Respondent be debarred from maintaining any claim or defense on:

- 1) the economic reasonableness of reducing or eliminating the emissions from the complained of noise source; and
- 2) the ability of Respondent to pay any penalty which may be imposed by the Board in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 14th day of December, 1978 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board