

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-37
)
 JOHN DAUBS,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Young):


On January 19, 1978, Donald E. Garrison filed a Motion to Strike Motion to Add Necessary Party and a supporting Brief on January 30, 1978. The Respondent filed a Response on February 23, 1978. The Movant's pleading objected to Respondent's Motion filed on December 1, 1977, to add Donald E. Garrison as necessary party which was granted by the Board on December 8, 1977.

According to Procedural Rule 303(c), the Board is authorized to order the presence of other parties in the proceeding for a complete determination of the controversy. On December 1, 1977, the Respondent alleged in its Motion that Donald E. Garrison is the owner of the premise in question in fee simple and that Movant operated the Salem Landfill referred to in Count I, placed hazardous wastes in the landfill as described in Count II, and failed to place final cover as set forth in Count IV of the Complaint.

Since these allegations are not controverted in the Motion to Strike or the Brief, the Board will hereby deny the Motion to Strike Motion to Add Necessary Party and order that hearing be set for all parties within 21 days to take place within 60 days of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2ND day of March, 1978 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board