

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-132
)
VILLAGE OF MILLSTADT, a municipal)
corporation, and TESTING ANALYSIS)
AND CONTROL INC., an Illinois)
corporation,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Young):

On July 5, 1978, Respondent Village of Millstadt filed a Counterclaim against Testing Analysis and Control, Inc. The Board does not have jurisdiction to decide the issue presented or to grant the relief requested and must therefor dismiss the Counterclaim.

On July 3, 1978, Respondent Testing Analysis and Control, Inc. filed a special appearance and Motion to Dismiss for want of jurisdiction. A response to this Motion was filed on July 10, 1978, by the Complainant. In order for the Board to make a final determination in this matter, the Board will direct the Hearing Officer to stay any proceedings in this matter as to all parties and to establish a schedule for the submission of legal briefs by the parties on the question of jurisdiction raised in the Motion. After Board disposition of the Motion, the Hearing Officer shall then set the matter for hearing on a date which will, in his judgment, allow for full and complete discovery prior to hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 20th day of July, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board