

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
) #72-226
 v.)
)
LONZA, INC.)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Motion to dismiss has been filed by Respondent, Lonza, Inc., on the grounds that more than sixty days had elapsed between the filing of the complaint and the initial date for hearing.

We have frequently held that Rule 307 of our Procedural Rules is not jurisdictional and failure to comply with this provision does not justify a dismissal of the case.

Accordingly, the Motion to Dismiss of Respondent is denied. See Environmental Protection Agency v. International Harvester Company, (Wisconsin Steel Division), #72-242 (December 5, 1972).

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 23RD day of January, 1973, by a vote of 3 to 0.

Christan S. Moffett