

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1988

RUDY and EDWARD HARGROVE)
EUGENE and JOYCE FOLTZ, and)
JOHN BARTON,)
)
Complainants,)
)
v.) PCB 87-19
)
TAMMSCO, INC., ALEXANDER COUNTY)
COMMISSIONERS, DONALD JORDAN)
TRUCKING COMPANY and)
MARQUETTE GRAVEL COMPANY,)
)
Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a January 20, 1988 Motion for Default filed by the Respondent Tammsco, Inc. (Tammsco). Pursuant to 35 Ill. Adm. Code 103.220, Tammsco moved that default enter against Complainant John Barton as a result of his failure to attend the hearing held in Tamms, Illinois on October 14, 1987. No response to the motion has been filed.

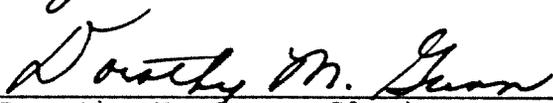
Section 103.220 of the Board's Procedural Rules states:

Failure of party to appear on the date set for hearing or failure to proceed as ordered by the Board shall constitute a default. The Board shall thereafter enter such order as appropriate, as limited by the pleadings and based upon the evidence introduced at the hearing.

The Board hereby grants Respondent's motion and finds Complainant John Barton in default. However, the Board notes that this finding appears to have little significance on the ultimate outcome of this proceeding. John Barton was but one of several Complainants, all of whom alleged the same wrongdoing by Respondents. The remaining Complainants were present at hearing to prosecute their action. Today's finding in no way impacts on the merits of the remaining Complainants' case.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 25th day of February, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board