

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
) #72-94
 v.)
)
 DART INDUSTRIES, INC., a Delaware)
 corporation, d/b/a REXENE POLYMERS CO.)

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

Complaint was filed by the Environmental Protection Agency against Dart Industries, Inc., a Delaware Corporation, d/b/a Rexene Polymers Co. alleging various violations of the Environmental Protection Act and SWB-8 as a result of alleged polluttional discharges into a ditch tributary to the Des Plaines River.

An answer was filed by Respondent which included "Affirmative Defense and Request for other Relief" in which Respondent asks for dismissal of the proceeding on various constitutional and statutory grounds which we find lacking in merit. To the extent such pleading is construed, in part, as a Motion to Dismiss, the motion is hereby denied. See C. M. Ford v. Environmental Protection Agency, App. Court of Illinois, Third District, #72-60 (February 4, 1973; Environmental Protection Agency v. Granite City Steel Company, #70-34 (March 17, 1971); Environmental Protection Agency v. Modern Plating, Modern Plating Corporation v. Environmental Protection Agency, ##70-38, 71-6 (March 3, 1971).

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 8th day of March, 1973, by a vote of 3 to 0.

