

ILLINOIS POLLUTION CONTROL BOARD  
March 15, 1973

ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
v.	)	#72-493
	)	
ROLAND W. FIEDER, d/b/a	)	
JOLIET INDUSTRIAL DISTRICT	)	

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

Respondent has filed a Motion to Strike the Complaint on the grounds that the Hearing Officer was appointed during a period when the Board lacked a quorum, and, therefore, his designation was void.

This proceeding is an enforcement action filed by the Environmental Protection Agency on which a hearing is mandatory (Sec. 31(a), Environmental Protection Act). The designation of a Hearing Officer in such an instance is a ministerial function and not a final determination of the Board requiring the vote of three members as provided in Section 5(a) of the Act. The motion to strike the complaint is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 15<sup>th</sup> day of March, 1973, by a vote of 4 to 0.

Christan J. Moffett