

ILLINOIS POLLUTION CONTROL BOARD

October 25, 1973

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 73-109  
 )  
 ARNOLD N. MAY, d/b/a HILLVIEW FARMS )  
 and HILLVIEW FARMS FERTILIZERS, INC )  
 a domestic corporation, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency has filed a Motion for Leave to File a Second Amended Complaint. This request was filed with the Board on October 10, 1973 and was received by Respondent on October 12, 1973. Hearings on the merits had been scheduled for October 22, 1973 and those hearings had already been held prior to the time the Board was able to rule on the Motion. Because of the lateness of the EPA's request the Motion for Leave to File a Second Amended Complaint will be denied. The pleadings should be settled in sufficient time so that all parties might have an opportunity to prepare for trial. An amendment coming at this late date would not give the Respondent sufficient time to prepare a defense.

It is ordered that Motion for Leave to File a Second Amended Complaint be denied.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 25<sup>th</sup> day of October, 1973 by a vote of 5 to 0.

Christian L. Moffett

we will of course consider it in deciding the environmental issues which are presented to us. Factual information of such nature should be presented by sworn statement--not by unverified motions of the type now before us.

We note that the charges made by Respondent do relate to an environmental issue and that a procedure is available for raising that environmental issue before us if Respondent or any other person chooses to do so.

Motion for a Board Statement and Motion for Protective Order are denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 18<sup>th</sup> day of February, 1973 by a vote of 5 to 0.

Christan L. Moffett