

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1995

GORDON KRAUTSACK,)
)
 Complainant,)
)
 v.) PCB 95-143
) (Enforcement-Land)
 BHOGILAL PATEL, an individual,)
 SUBHASH PATEL, an individual, and)
 ELECTRONIC INTERCONNECT, INC.,)
 an Illinois Corporation, and)
 ELECTRONIC INTERCONNECT)
 CORPORATION, an Illinois)
 Corporation,)
)
 Respondents.)

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on a Motion for Leave to File Amended Complaint and Amended Complaint filed by complainant, Gordon Krautsack, on November 21, 1995. Respondents filed no response.

The original complaint was filed on May 11, 1995 against respondents Bhogilal Patel, Subhash Patel, and Electronic Interconnect, Inc. The amended complaint adds respondent Electronic Interconnect Corporation.

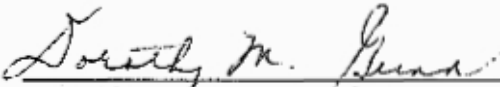
Additionally, the original complaint alleged violations of Sections 21(a), 21(e), and 21(f)(1) of the Environmental Protection Act (Act). (415 ILCS 5/21(a), 21(e), 21(f)(1)(1994).) The amended complaint adds Count IV, an alleged violation of Section 21(d) of the Act. (415 ILCS 5/21(d).)

As allowed by the Board procedural rules, "(p)roof may depart from pleadings and pleadings may be amended to conform to proof, so long as no undue surprise results that cannot be remedied by a continuance." (35 Ill. Adm. Code 103.210(a).) As of the date of this order the parties are still engaging in the early stages of discovery and negotiation. No hearing has yet been scheduled in this proceeding. Therefore, the Board finds no undue surprise will result if the additional respondent and count are added to the complaint. Accordingly the Board grants complainant's motion for leave to file amended complaint. Consequently today's caption reflects this amendment.

Complainant must now complete service upon the new respondent, Electronic Interconnect Corporation, in accordance with 35 Ill. Adm. Code 103.123.

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 20th day of December, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board