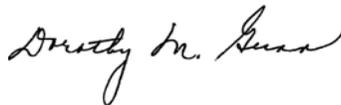


the same as those sought under count I, *i.e.*, the complaint states that the People seek, under count II, removal costs of \$35,170.75 and punitive damages of \$70,341.50, as they do under count I.

In the interest of expediting this proceeding, the Board accepts the complaint for hearing and grants the People leave to file an amended complaint correcting the apparent typographical errors in the prayer for relief under count II. The People must file the amended complaint by February 4, 2005. The time period for the City to file an answer or other responsive motion or pleading will begin upon service of the amended complaint. The City's failure to file an answer to the amended complaint within 60 days after receiving it may have severe consequences. Generally, if the City fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the amended complaint, the Board will consider the City to have admitted the allegation. *See* 35 Ill. Adm. Code 103.204(d).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board