

ILLINOIS POLLUTION CONTROL BOARD  
April 7, 1988

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v ) PCB 88-36  
 )  
MERVIS INDUSTRIES, INC., )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On March 9, 1987, Mervis filed a motion to dismiss the complaint or in the alternative to dismiss or stay proceedings concerning Count I of the Complaint. The Agency filed a response in opposition on March 22, 1987.

One basis for dismissal argued by Mervis relates to the requirement of Section 31(d) of the Act that the Agency provide a potential respondent with written notice of intent to enforce and opportunity for a pre-enforcement conference. Each party argues alleged facts concerning an alleged Section 31(d) conference held in September, 1986. There are no facts contained in this record concerning the content of the notice, the nature of the conference, or any subsequent actions of the parties; the allegations of the respective pleadings are unsupported by documents or affidavits.

The Board will grant leave to the parties to make any appropriate filings curing this deficiency on or before April 26, 1988.

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 7<sup>th</sup> day of April, 1988, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board