

ILLINOIS POLLUTION CONTROL BOARD
May 22, 1986

M.I.G. INVESTMENTS, INC., and)
UNITED BANK OF ILLINOIS,)
)
Petitioner,)
)
v.) PCB 86-49
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

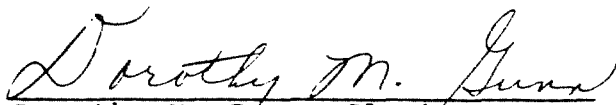
ORDER OF THE BOARD (by B. Forcade):

On May 19, 1986, the Illinois Environmental Protection Agency ("Agency") filed a Motion to Dismiss (claiming the Board lacks subject matter jurisdiction over this matter) and a Motion in Limine seeking an order precluding petitioner from introducing, at the June 5 hearing, evidence or argument pertaining to the legal validity of the Boone County Ordinance. The motion to dismiss is not yet ripe and will be decided in the future. Although the motion in limine is also not ripe, it relates to the June 5 hearing and the Board will dispose of it today.

The motion in limine is denied. First, the Board has not had the benefit of a response from M.I.G. Investments, Inc. and response time has not run. Second, the Agency's motion does not provide the Board with certified copies of any of the court documents upon which they base their claim for a protective order. And third, any evidence or argument pertaining to the validity of ordinances which the Board ultimately determines to be improperly included in the record (after the benefit of opposing argument) may be excluded from consideration by a motion to strike.

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 22nd day of May, 1986, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board