

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1986

FEDDERS-USA,)
)
 Petitioners,)
)
 v.) PCB 86-47
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):


This matter comes before the Board upon the June 2, 1986, motion and June 11 supporting memorandum of the Illinois Environmental Protection Agency ("Agency") to renew its previous motions to dismiss and to strike. The Agency originally filed these motions on April 16, 1986. The motion to dismiss requests that this action be dismissed due to the failure of Fedders-USA ("Fedders") to include a compliance plan as part of its petition. The motion to strike, which the Agency asks be considered if the motion to dismiss is denied, requests that any reference in Fedders' petition to modifying or clarifying the Board's January 9, 1986, Order in PCB 83-47 be stricken. Fedders filed a response in opposition on June 12, 1986.

The Agency's motions are each denied. This matter shall proceed to hearing.

IT IS SO ORDERED.

R. Flemal dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11th day of July, 1986 by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board