

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 1980

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 80-191  
 )  
 CITY OF BENTON AND JAMES P. ODOM, )  
 )  
 Respondents. )

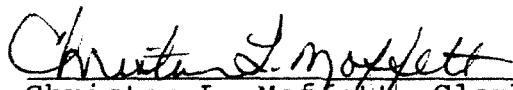
ORDER OF THE BOARD (by J. Anderson):

On October 23, 1980, Respondent Odom moved to strike and dismiss portions of the complaint. On November 6, 1980, the Agency moved for leave to file Objections to these motions instanter, as it did not receive the motions until October 29. Leave is hereby granted.

The motions to strike and dismiss are denied. Section 12(a) of the Environmental Protection Act provides that no person shall "cause or threaten or allow the discharge of contaminants into the environment...". Counts IV, V and VI state a sufficient cause of action against Odom, in alleging that he, as the owner of the land on which the effluent discharge resulting from a break in the City's sewer line occurred, refused to allow the City to make necessary repairs and failed to make them himself.

IT IS SO ORDERED.

I, Christan L Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20<sup>th</sup> day of November, 1980 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board