

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 1977

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 WILFORD E. ("ERNIE") JOHNSON )  
 and NORMA I. JOHNSON, d/b/a )  
 BYRON SALVAGE, )  
 )  
 Respondents; )  
 ) PCB 74-471  
 ) PCB 76-210  
 WILFORD ERNEST JOHNSON, ) (CONSOLIDATED)  
 and NORMA I. JOHNSON, )  
 )  
 Complainants, )  
 )  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Zeitlin):

On February 8, 1977, the Environmental Protection Agency (Agency), as Respondent in cause PCB 76-210, filed a Motion to Strike with regard to that case. (PCB 76-210 was consolidated on the Board's motion with PCB 74-471 in an Interim Order entered September 30, 1976.) The Agency's motion shows that, in Objections to Interrogatories filed by Complainants in PCB 76-210, "This cause does not charge the Respondent with depositing contaminants..." (Emphasis in original.) The motion asks that on the basis of that pleading, the allegation in the Complaint in PCB 76-210 with regard to violation of Section 12(d) of the Environmental Protection Act (Act) be stricken.

No response to the Agency's Motion to Strike has been received.

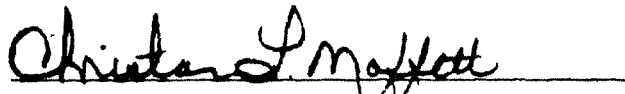
Based on Complainant's pleadings in PCB 76-210, the Board agrees that no allegation of violation of Section 12(d) of the Act is alleged, and that any such allegation in the Complaint must be stricken. The Board also notes, however, that violation of Section 12(d) of the Act is the only alleged violation in the Complaint in PCB 76-210. We shall, therefore, sever PCB 76-210 and dismiss it entirely.

The Hearing Officer is directed to proceed expeditiously toward completion of the record in PCB 74-471.

IT IS SO ORDERED.

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 3<sup>rd</sup> day of March, 1977, by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board