

ILLINOIS POLLUTION CONTROL BOARD

September 13, 1973

ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
vs.	)	PCB 73-330
	)	
OZITE CORPORATION, a Delaware	)	
corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Henss)

Respondent has filed a Special and Limited Appearance and Motion to Dismiss in which it is contended that this Board lacks jurisdiction to impose monetary penalties and lacks jurisdiction to adjudicate criminal proceedings. That Motion is denied. The authority of the Board to impose monetary penalties is now pending before the Illinois Supreme Court on a Certificate of Importance. Proper exercise of our statutory responsibilities and uniformity in application of the law on a statewide basis, require that we deny such motions until Supreme Court has made its decision. Since no criminal sanctions are requested in the Complaint the second part of Respondent's Motion is not applicable to this proceeding.

Respondent has also filed a Jury Demand which will be stricken.

Respondent's Motion to Dismiss Count II of the Complaint is taken with the case.

It is ordered that Special Appearance and Motion to Dismiss be denied; Jury Demand be stricken and Motion to Dismiss Count II be taken with the case.

Mr. Odell abstains.  
I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 13<sup>th</sup> day of September, 1973 by a vote of 3 to 0.

Christan L. Moffett