

ILLINOIS POLLUTION CONTROL BOARD
October 25, 1973

THE NEAR ONES, et. al.,)
)
 Complainants,)
)
 vs.) PCB 73-268
)
THE ENVIRONMENTAL PROTECTION)
AGENCY, HARRY A. CARLSON)
et. al.,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Seaman):

On October 23, 1973, the Near Ones, Complainants in the above-captioned cause, filed a Motion For Leave To Amend Complaint. It is our policy to grant such motions with liberality where the proffered amendments serve to clarify and narrow the issues and where Respondents are not prejudiced thereby. Accordingly, the subject motion is granted.

This is the second amendment to the original Complaint we have granted. Respondents herein have filed Motions to Dismiss, the disposition of which this Board was prepared to rule upon at our regular meeting of October 25, 1973. The parties have submitted numerous and lengthy briefs regarding the issues presented in Complainant's first Amended Complaint. It is now necessary that Respondents be given time to respond to the additional allegations of the second Amended Complaint.

Complainants' attorneys have agreed that within ten (10) days of the date of this Order, Complainant shall deliver to the Board and to the Respondents herein the final form of the Complaint as amended, integrating therein the various amendments which have been allowed to that date. Respondents shall have fourteen (14) days from receipt thereof in which to respond.

Public hearings on this cause have been scheduled for November 1, 2 and 5. It is now necessary that said hearings be cancelled. The question of whether hearings will be rescheduled is dependent upon our disposition of the pending Motions to Dismiss.

IT IS SO ORDERED.

Mr. Marder abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 25th day of October, 1973 by a vote of 7 to 0.

Christan L. Moffett