

ILLINOIS POLLUTION CONTROL BOARD

February 14, 1975

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
vs.)	PCB 75-6
)	
CITIZEN'S UTILITIES COMPANY OF)	
ILLINOIS,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Henss):

On January 24, 1975 the Complainant filed Motion for Leave to File an Amended Complaint. The Motion is allowed.

On February 4, 1975 Respondent filed an Amendment to the Motion to Dismiss and requested that its Motion to Dismiss the original Complaint stand as its Motion to Dismiss the Amended Complaint. That request is allowed. The Amended Motion to Dismiss is deemed applicable to the Amended Complaint.

Upon review of the Amended Complaint and the Amended Motion to Dismiss it appears to us that Count 1 fails to comply with our Procedural Rule 304(c)(2). Count 1 of the Amended Complaint is therefore stricken. Complainant is given leave to file a Second Amended Count 1 within 20 days.

The Amended Motion to Dismiss raises other issues which are factual in nature and are best decided after a hearing on the merits. Therefore, the remaining contentions contained in the Motion to Dismiss, as Amended, will be taken with the case.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 14th day of February, 1975 by a vote of 4 to 0.

Christan L. Moffett