ILLINOIS POLLUTION CONTROL BOARD

September 13, 1973

ENVIRONMENTAL PROTECTION AGENCY, Complainant,	)	
vs.	)	PCB 72-285
ILLINI BEEF PACKERS INCORPORATED, Respondent.	)	

ORDER OF THE BOARD (by Mr. Henss)

Respondent Illini Beef Packers Inc. on August 30, 1973 filed Motion to Strike Complaint. Paragraphs 2, 3, 4 and 5 of the Motion contend that the Complaint which was filed June 30, 1972 does not contain a concise statement of facts, consists solely of conclusions of law, is based upon statute and regulation so vague and indefinite as to be invalid under the Illinois and United States Constitutions and deprives Respondent of right to trial by jury. Those paragraphs of the Motion are denied.

Paragraph 1 of the Motion states that the hearing officer delayed scheduling the hearing in this matter an unreasonable period of time to the prejudice of Respondent. That part of the Motion will be taken with the case. No showing of prejudice was made but we will permit evidence on this issue to be presented when this matter is submitted to hearing.

It is ordered that Paragraph 1 of the Motion will be taken with the case and that the Motion shall be denied as to paragraphs 2, 3, 4 and 5 of the Motion.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 13th day of September, 1973 by a vote of 4 to 0.

Christan L. Moffett