

ILLINOIS POLLUTION CONTROL BOARD

February 21, 1974

CITIZENS FOR A BETTER ENVIRONMENT, )  
An Illinois Not-for-Profit Corp., )  
Complainant, )  
v. ) PCB 74-19  
INTERNATIONAL HARVESTER COMPANY, )  
Respondent. )

ORDER OF THE BOARD (by Mr. Henss)

Respondent International Harvester Company has filed a Motion requesting this Board to vacate the assignment of the above entitled case to its Hearing Officer Paul Kaiser. International Harvester states that this Board has not determined whether the Complaint is duplicitous or frivolous and Respondent has not had notice which would permit it to appear before the Board and attack the sufficiency of the Complaint. The matter has been scheduled for hearing on the merits on March 11, 1974.

The Complaint was reviewed by the Board prior to the time it was assigned to a hearing officer, but apparently the Respondent did not have that notice which is specified in Rule 306 of our Procedural Rules. Therefore, we shall order the hearing officer to delay the hearing for at least 30 days. This will allow Respondent the opportunity to file any motion it considers necessary to attack the sufficiency of the Complaint.

The hearing officer is ordered to delay hearing for at least 30 days from March 11, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 21<sup>st</sup> day of February, 1974 by a vote of 5 to 0.

Christan L. Moffett