

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1995

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 95-158
) (Enforcement - Land)
 CITY OF HERRIN,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

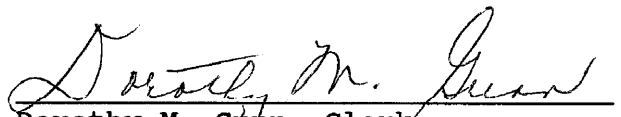
This matter is before the Board on a Motion for Leave to File Pleadings filed by the City of Herrin (Herrin) on July 6, 1995. Said pleadings are a Motion Attacking the Pleadings and a Motion Attacking Jurisdiction.¹ The People of the State of Illinois (State) filed an Objection to Motion for Leave to File Motion Attacking Jurisdiction and Motion Attacking Pleadings on July 13, 1995. Herrin filed a Reply to Complainant's Objection to Respondent's Motion Attacking Jurisdiction on July 13, 1995. The State filed a Motion to Strike Respondent's Reply to Complainant's Response to the Second Motion Attacking Jurisdiction on July 20, 1995.

The Board denies Herrin's Motion for Leave to File Pleadings. Pursuant to Section 103.140(a) of the Board's procedural rules "(a)ll motions by respondent to dismiss or strike the complaint or challenging the jurisdiction of the Board shall be filed within 14 days after receipt of complaint..." The State's original complaint was filed on May 30, 1995; therefore any motion attacking the pleadings or challenging the Board's jurisdiction was due to be filed on June 13, 1995. Herrin's motions were filed on July 6, 1995 and are consequently untimely filed. The Board hereby denies Herrin's Motion for Leave to File the Motion Attacking the Pleadings and Motion Attacking Jurisdiction. Given the Board's actions today, all outstanding motions are now moot.

IT IS SO ORDERED.

¹The Board observes this is Herrin's second set of Motions Attacking the Pleadings and Jurisdiction filed with the Board. Those filings were dismissed by Board order of July 7, 1995.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of July, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board