

ILLINOIS POLLUTION CONTROL BOARD
December 14, 1994

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 94-271
) (Enforcement)
 NATIONAL INTERCHEM CORPORATION,)
)
 Respondent.)

ORDER OF THE BOARD (by G. T. Girard):

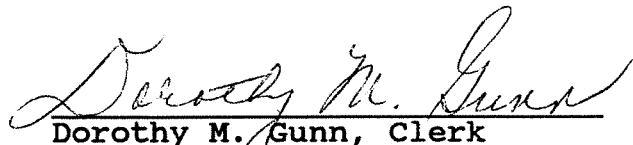
On November 10, 1994, the Board received a motion to dismiss filed by respondent, National Interchem Corporation. On November 21, 1994, the Board received a response which requested that the Board strike or deny the motion to dismiss or in the alternative to grant complainant an additional 21 days to respond to the motion to dismiss. On November 30, 1994, the Board received a motion for leave to file a reply. The Board does not find that undue prejudice will result if the reply is denied, therefore the motion for leave to file a reply is denied. (See 35 Ill. Adm. Code 101.241.)

The complainant argues that the motion to dismiss is untimely based on the Board's procedural rules at 35 Ill. Adm. Code 103.140 and therefore, the motion should be denied or stricken. The Board agrees that the motion was not filed within the fourteen days set forth in the Board's rules. However, the motion to dismiss does raise issues which could resolve the case. Therefore, in the interest of judicial economy, the Board will not strike or deny the motion based on timeliness.

The Board will grant complainant the additional time to respond to the motion to dismiss and reserve ruling on the substance of the motion at this time. The Board directs complainant to file a response to be received by the Board no later than December 22, 1994.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 14th day of December, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board