

ILLINOIS POLLUTION CONTROL BOARD  
September 2, 1982

KENNETH STEEL and ROSEMARY STEEL, )  
WILLIAM P. SUTTER and HELEN SUTTER, )  
Complainants, )  
v. ) PCB 82-16  
GEORGE BEUCHER, EDWARD BEUCHER and )  
JOSEPH BEUCHER, as Trustees, )  
Respondents, )  
and )  
THE COUNTY OF COOK, a home rule unit )  
and the COOK COUNTY DEPARTMENT OF )  
PUBLIC HEALTH, )  
Respondent-Intervenors. )

ORDER OF THE BOARD (by J.D. Dumelle):

On August 4, 1982, Respondent-Intervenors filed a motion to dismiss this matter to which Complainants responded on August 16, 1982. The motion to dismiss is untimely in that it was not (and could not have been) filed within 14 days of the date of the complaint as required by Section 103.140(a) of the Procedural Rules [old Rule 308(a)]. Further, the motion largely restates an earlier motion to dismiss which was filed by Respondents on February 19, 1982 and rejected by the Board. New arguments advanced are similarly unpersuasive.

That motion is hereby denied.

IT IS SO ORDERED.

Board Members I. Goodman and N. Werner dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2<sup>ND</sup> day of Septmeber, 1982 by a vote of 3-2.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board