

ILLINOIS POLLUTION CONTROL BOARD  
May 30, 1985

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 83-60  
 )  
PIERCE WASTE OIL SERVICE, INC. )  
AND CENTRAL REFINING COMPANY, )  
 )  
Respondents. )

ORDER OF THE BOARD (by J. Anderson):

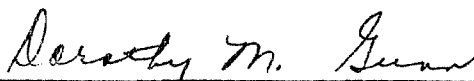
On May 20, 1985, Respondents filed a general motion to dismiss this complaint, or in the alternative, to strike a demand for penalties, as well as more specific requests to dismiss Counts II, VII and VIII. The Illinois Environmental Protection Agency (Agency), by the Attorney General, filed its response on May 23, 1985.

The motions are denied.

As the Agency correctly pointed out, these motions are untimely, pursuant to 35 Ill. Adm. Code 103.140. More importantly, resolution of the legal issues presented in these motions is dependent on application of the law to the specific facts of this case, facts which are currently "not only disputed but are largely undeveloped" (Agency Response re: Counts VII - VIII, p. 5). Respondents may renew their arguments after creation of the factual record in this case.

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 30<sup>th</sup> day of May, 1985, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board