

ILLINOIS POLLUTION CONTROL BOARD  
January 23, 2003

BARBARA and RONALD STUART, )  
 )  
Complainants, )  
 )  
v. ) PCB 02-164  
 ) (Citizens Enforcement - Noise)  
FRANKLIN FISHER and PHYLLIS FISHER, )  
 )  
Respondent. )

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

On December 16, 2002, the Will County State's Attorney (Will County) filed a motion to intervene on behalf of Will County in this appeal. The Board has not received a response to the motion from either party.<sup>1</sup> Will County is seeking to intervene because Will County has a noise ordinance "that is intended to protect the citizens of Will County." Mot. at 2. Will County maintains that if the Board enters an order that conflicts with Will County's noise ordinance, Will County will be adversely affected. *Id.*

Section 101.402 of the Board's procedural rules governs motions to intervene. 35 Ill. Adm. Code 101.402. Section 101.402(d) states in pertinent part:

[T]he Board may permit any person to intervene in any adjudicatory proceeding if:

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- 3) The person is so situated that the person may be adversely affected by a final Board order. 35 Ill. Adm. Code 101.402(d)(3).

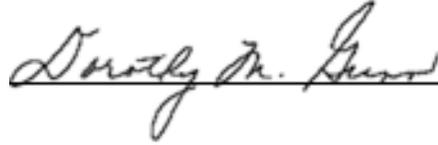
The Board denies the motion to intervene. The Board is not convinced that Will County may be adversely affected by the Board's decision. However, to the extent that Will County may have relevant information regarding the Will County noise ordinance, the Board will allow Will County to file an *amicus curiae* brief consistent with the hearing officer's scheduling order.

IT IS SO ORDERED.

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<sup>1</sup> Pursuant to 35 Ill. Adm. Code 101.500, a party may file a response to a motion within 14 days of service. If no response is filed, the party is deemed to have waived objection to granting the motion, but the waiver does not bind the Board in its disposition of the motion. 35 Ill. Adm. Code 101.500.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2003, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board