ILLINOIS POLLUTION CONTROL BOARD
February 3, 1994

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| JOHN ZARLENGA and JEAN ZARLENGA, | ) | |
| Complainants, | ) | |
| v. | ) | PCB 92-178 (Enforcement) |
| PARTNERSHIP CONCEPTS, HOWARD EDISON, BRUCE McCLAREN, COVE DEVELOPMENT COMPANY, THOMAS O'BRIEN, BLOOMINGDALE PARTNERS, an Illinois Limited Partnership, and GARY LAKIN, | ) | |
| Respondents. | ) | |

ORDER OF THE BOARD (by M. McFawn):

On December 3, 1993 complainants filed a motion to compel production of documents in this case with the hearing officer. On December 16, 1993, respondents filed a memorandum in opposition to complaints' motion to compel production of documents. On December 17, 1993 the hearing officer granted complainants' motion in part, compelling production of Document Requests 14 and 15, and denied Document Request 16.

On December 30, 1993, respondents moved for leave to take interlocutory appeal of the hearing officer's order. On January 10, 1994, complainants filed their response opposing respondents' motion for interlocutory appeal, and in the alternative, their motion for leave to take an interlocutory appeal of the hearing officer's order.

Both parties' motions for leave to take an interlocutory appeal are denied. Neither party has presented cause sufficient to overturn the Hearing Officer's order.

On January 26, 1994, respondents filed an expedited motion to approve implementation of respondents' proposed noise abatement plan which was filed concurrently with that motion. Respondents are requesting approval of their plan at today's Board meeting because hearing on this matter is scheduled for February 8 through 10, 1994. In the alternative, respondents request that the Board vacate the order scheduling those hearings until such time as the Board can rule on their expedited motion for approval.

Respondents' motion for expedited approval is denied. Complainants' response to this motion is not due until today,

leaving the Board insufficient time to consider its content. Furthermore, seven days is insufficient time for the Board to review respondents' proposed plan. Finally, the Board cannot decide this case absent a hearing on the complaint. Therefore, the Board also denies respondents' request to vacate the order scheduling the hearing scheduled February 8 through 10, 1994.

The Board, however, will limit the scope of that hearing to the allegations contained in the Complaint, and order the hearing officer to continue until a future date any hearing on the proposed noise abatement plan. In setting that date, the hearing officer is directed to allow sufficient time for the parties to review the proposed plan and prepare for hearing. That will also provide the Board time to study the proposed plan.

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 3rd day of February, 1994, by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board