

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

SCOTT AND KAREN THOMAS,)	
)	
Complainants,)	
)	PCB 91-195
v.)	(Enforcement)
)	
CARRY COMPANIES OF ILLINOIS,)	
)	
Respondent.)	

ORDER OF THE BOARD (by E. Dunham):

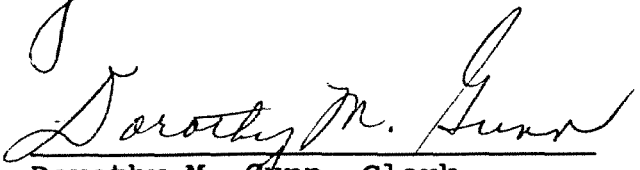
This matter is before the Board on a complaint filed by Karen and Scott Thomas (complainants) on October 16, 1991. On August 5, 1994, the Board found that the noise and dust emanating from respondent's property unreasonably interfered with complainants' enjoyment of life. Respondent was ordered to study the economic reasonableness and technical feasibility of any control options which it may deem appropriate to reduce the noise and dust emissions from its facility. These studies were filed on December 1, 1993. Complainants were to have filed a response to the studies no later than January 15, 1994. Accompanying their response, complainants' filed a motion for a four day extension of time to file the same on January 19, 1994; the motion was granted on February 3, 1994. On January 27, 1994, respondents filed a motion for leave to file reply instanter. Complainants have not responded to that motion.

In general, the Board's procedural rules do not allow a party to file a reply as a matter of right. However, the Board may permit a party to reply to prevent material prejudice. (35 Ill. Adm. Code 101.242) Since the information contained in the reply may assist the Board in its ultimate resolution of this matter, the Board hereby grants respondent's motion to file its reply instanter.

IT IS SO ORDERED.

R.C. Flemal dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 17th day of February, 1994, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board