

ILLINOIS POLLUTION CONTROL BOARD
March 5, 1987

CONCERNED NEIGHBORS FOR A)
BETTER ENVIRONMENT,)
)
Complainant,)
)
v.) PCB 85-131
)
WATTS TRUCKING SERVICE, INC.,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

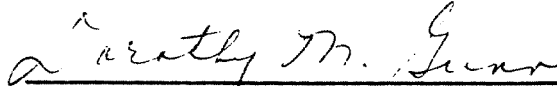
On January 22, 1987, the Board ordered the complainant, Concerned Neighbors for a Better Environment ("CNBE"), to show cause why this matter should not be dismissed as CNBE did not proceed with its case at the November 5, 1986, hearing and respondent, Watts Trucking Service, Inc. ("Watts"), entered an oral motion to dismiss on the record. CNBE was given until February 6, 1987, to file a verified response to this order. On March 2, 1987, CNBE filed a Motion to Substitute Counsel, Appearance, Motion to Modify Order of January 22, 1987, Complainant's Verified Response to January 22, 1987, Order and Motion to Set Pre-Hearing and Hearing Schedule.

CNBE requests, in its Motion to Modify Order, that the Board allow its response to the January 22, 1987, to be filed out of time as CNBE learned of that order after the February 6, 1987, deadline. CNBE asserts that its previous attorney never received the January 22, 1987, Order and that it has been unable to contact this attorney since November 5, 1986. Since the time CNBE became aware of the January 22, 1987, Order, it has attempted to retain new counsel. The Board notes that it too has been unable to contact CNBE's previous attorney and, in fact, the copy of the January 22, 1987, Order mailed to CNBE's previous attorney was returned to the Board.

The Board will grant the Motion to Substitute Counsel and CNBE's request to file its response to the January 22, 1987, Order out of time, thus, modifying the schedule established in that Order. The Board will not rule on the balance of CNBE's motions until an opportunity for response has been given. Watts will have until March 16, 1987, to respond to CNBE's various motions and responses.

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 5th day of March, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board