

ILLINOIS POLLUTION CONTROL BOARD
July 11, 2002

DAVID and JACQUELYN MCDONOUGH,)	
)	
Complainants,)	
)	
v.)	PCB 00-163
)	(Citizens Enforcement - Noise)
GARY ROBKE,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On March 7, 2002, the Board issued an order finding respondent Gary Robke (Robke) in violation of Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and directed him to prepare and file a report detailing what steps could be taken to alleviate the noise emissions. Robke was given until July 5, 2002, to file the report. Robke filed a motion for extension of time to file the noise report on July 5, 2002. On July 8, 2002, the complainants David and Jacquelyn McDonough (McDonoughs) filed a response to the motion.

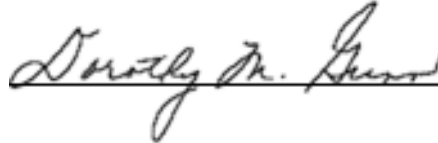
In the motion, Robke requests an additional 30 days to file the noise report. In support of the request, Robke asserts that he is awaiting information from the City of Mascoutah regarding a possible variance to construct a fence in excess of six feet and on information from a noise-consulting expert regarding possible measures to alleviate noise emissions. Robke maintains that the request is not made for any dilatory purpose and that the granting of the motion will prejudice no party.

In response, the McDonoughs ask the Board to deny the motion for extension of time. The McDonoughs assert that four months is sufficient time to comply with the Board's order to prepare a noise report, and feel that Robke has not made a good faith effort to resolve the problem. The McDonoughs further contend that each day they are subjected to the noise problem is a burden, and that it is of prime importance to reach a timely solution to the noise problem.

Section 101.522 of the Board's regulations provides that the Board may extend the time for the filing of any required document for good cause shown. *See* 35 Ill. Adm. Code 101.522. The Board finds that Robke has shown good cause for the requested extension. Accordingly, the motion is granted, and Robke is given a 30 day extension of time to file the noise report as referenced in the March 7, 2002 Board order. The noise report must be filed and served on the McDonoughs on or before August 5, 2002.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 11, 2002, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board