

ILLINOIS POLLUTION CONTROL BOARD  
June 20, 1986

FRED E. JURCAK, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-137  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon a June 6, 1986, motion for expedited reconsideration filed on behalf of Fred E. Jurcak; a June 17, 1986, motion for extension of time to respond to that motion filed on behalf of the Illinois Environmental Protection Agency (Agency); and a June 17, 1986, response to the motion for extension of time filed on behalf of Jurcak.

Jurcak requests expedited reconsideration based upon his need to file an appeal of the circuit court action in Fred E. Jurcak v. IEPA, et al., No. 86 CH 1126, on or before June 19, 1986, if he wishes to appeal. In that case the court dismissed Jurcak's complaint by finding a lack of jurisdiction, but also, in dicta, indicated that the Board in fact had jurisdiction to consider the propriety of a condition of the Water Quality Management Plan which had been at issue before the Board but which the Board had not considered since it found that it lacked such jurisdiction. Jurcak argued that a Board decision in his favor would obviate the need for appeal.

That question has now become moot since the appeal time has passed. Further, no prejudice should result from allowing the Agency until June 30, 1986 to file its response.

Therefore, Jurcak's motion to expedite is hereby denied and the Agency's motion to extend is hereby granted. The Agency's response to Jurcak's motion for reconsideration is to be filed on or before June 30, 1986.

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 20th day of June, 1986 by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board