

ILLINOIS POLLUTION CONTROL BOARD
November 21, 2002

2222 ELSTON LLC,)	
)	
Complainant,)	
)	
v.)	PCB 03-55
)	(Citizens UST Enforcement)
PUREX INDUSTRIES, INC., FEDERAL DIE)	
CASTING COMPANY, FEDERAL)	
CHICAGO CORPORATION, RAYMOND E.)	
CROSS, BEVERLY BANK TRUST NO. 8-)	
7611, and LAKESIDE BANK TRUST NOS.)	
10-1087 AND 10-1343,)	
)	
Respondents.)	

ORDER OF THE BOARD (W.A. Marovitz):

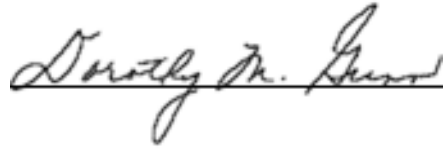
On October 25, 2002, complainant filed a 13-count complaint against respondents seeking cost recovery for alleged clean-up expenses incurred regarding a property at 2228 N. Elston, Chicago, Cook County. On November 15, 2002, one of the respondents, Purex Industries, Inc. (Purex), filed a motion for extension of time to file a motion arguing the complaint is frivolous. Purex requests until December 5, 2002, to file the motion.

Pursuant to 35 Ill. Adm. Code 103.212(b), motions made by respondents alleging a citizen's complaint is duplicative or frivolous must be filed no later than 30 days following the date of service of the complaint upon respondent. Purex states that it received the complaint on or about October 25, 2002. Mot. at 1. The 30 days would expire on or about November 25, 2002. Purex seeks approximately 10 additional days to file its motion on December 5, 2002. Although complainant's time to file a response to the motion for extension of time does not expire until on or about November 29, 2002, to avoid undue delay, the Board grants the motion. *See* 35 Ill. Adm. Code 101.500(d).

In the interest of administrative economy, all respondents are granted until December 5, 2002, to file any motion addressing whether the complaint is duplicative or frivolous. Pursuant to 35 Ill. Adm. Code 101.500(d), complainant may file a response to any motion within 14 days after service of the motion. The Board reminds the parties that 35 Ill. Adm. Code 103.212(b) states that timely filing of such motions will stay the 60 day period for filing an answer to the complaint. The stay begins when the motion is filed and ends when the Board disposes of the motion. *See* 35 Ill. Adm. Code 103.204(d).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 21, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board