

ILLINOIS POLLUTION CONTROL BOARD
June 3, 1976

JOHN TARKOWSKI,)
)
 Complainant,)
)
 v.) PCB 76-55
)
)
 JAMES BELLI, LAKELAND PROPERTY)
 OWNERS ASSOCIATION, INC., and)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On May 24, 1976, Complainant John Tarkowski filed a Motion for Order. On June 1, 1976, Respondents James Belli and Lakeland Property Owners Association, Inc., filed Objections to Motion for Order.

In the Motion for Order, Complainant requests two Orders: 1) an Order compelling Respondents to answer the Request for Admission of Facts submitted to Respondents, and 2) an Order requiring an impartial party, such as the Illinois Division of Waterways or the Illinois Conservation Department, to inspect the lake and surrounding property and submit a factual report. Complainant requests that the hearing set for June 15 be continued until such report is submitted.

Complainant's Motion for Order compelling Respondents to answer the Request for Admission of Facts is remanded to the Hearing Officer for his ruling. The Motion for a Board Order requiring an impartial party to inspect the property in question is denied as being beyond the authority of the Board. Because that Motion is denied, the accompanying request for continuance is also denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 3rd day of June, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board