

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 1977

PEOPLE OF THE STATE OF ILLINOIS )  
and ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainants, )  
 )  
 )  
v. ) PCB 74-480  
 )  
 )  
FORTY-EIGHT INSULATIONS, INC., )  
an Illinois corporation, )  
 )  
Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

On December 21, 1976 Respondent filed a Motion to Stay Enforcement of PCB Order No. 74-40. On December 23, 1976 Complainants filed a motion to strike Respondent's motion based upon the obvious error of citing PCB 74-40 rather than PCB 74-480. On December 29, 1976 Respondent moved to amend its December 21, 1976 Motion to correct the above-stated error. On December 30, 1976 Complainants move to strike both of Respondents motions as untimely.

The Board has already, on December 2, 1976, granted Complainants' Motion to Strike Respondent's November 12, 1976 Motion For Stay, as untimely. The Board's final Order in PCB 74-480 was handed down on September 30, 1976. Procedural Rule 334 requires that Motions Subsequent to Entry of a Final Order be filed within 35 days of entry.

Respondent's untimeliness has been excessive. The Board will not dilute its own Rules into meaninglessness. The Board hereby grants Complainants' Motion to Strike Respondent's Motion for Stay.

However, on its own motion, the Board hereby stays that portion of its Final Order which requires payment of a civil penalty.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6<sup>th</sup> day of January, 1977 by a vote of 4-0.

  
Christan L. Moffett, Clerk