

ILLINOIS POLLUTION CONTROL BOARD
April 7, 1983

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainants,)
)
v.) PCB 76-84
)
SANTA FE PARK ENTERPRISES, INC.)
an Illinois Corporation,)
)
Respondent.)

ORDER OF THE BOARD (by I. G. Goodman):

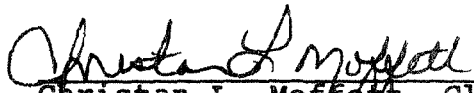
On March 24, 1983 the Attorney General, Complainant, filed a Motion to Resume these proceedings. Respondent, Santa Fe Park Enterprises, Inc., filed a Response to that Motion on March 31, 1983, along with a Motion to Dismiss.

In requesting resumption, Complainant acknowledges that it must be determined whether Section 25 of the Environmental Protection Act (Act) applies to the Respondent. Complainant contends that it does not. Section 25 of the Act, along with accompanying definitions at Section 3(v), was adopted on September 25, 1981 just after the First District Appellate Court's remand and mandate to reconsider this matter.

Respondent moves to dismiss on the grounds that Section 25 does apply, and therefore the Board is without authority to grant remedial relief. For the same reason, Respondent argues that the Motion to Resume should be denied. However, the Respondent did not object to briefing the issue. Given the April 10, 1981 judicial mandate, and the subsequent statutory amendment to Section 25, which governs noise pollution, the Board is compelled to review this matter. The Motion to Resume is granted, and Respondent's Motion to Dismiss denied. Briefs on the issue of Section 25 applicability will be accepted by the Board until June 17, 1983. In accordance with any interim schedule established by the Parties, Complainant is entitled to submit the initiating brief and later, a Reply brief. Respondent is entitled to a Response brief.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of April, 1983 by a vote of 8-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board