

ILLINOIS POLLUTION CONTROL BOARD
August 31, 1989

ANTHONY KOCHANSKI,)
)
 Complainant,)
)
 v.) PCB 88-16
)
 HINSDALE GOLF CLUB,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On August 16, 1989, the complainant filed a Motion for Reconsideration requesting that the Board reconsider its July 13, 1989 decision in this matter. The respondent filed a response to the motion on August 22, 1989. Additionally, the Board received notice on August 21, 1989 that the respondent has appealed the July 13th decision to the Second District of the Illinois Appellate Court. The notice states that the appeal was filed on August 17, 1989.

In its response, the respondent asserts that jurisdiction in this matter is now lodged in the Appellate Court given the appeal. The response also requests that certain portions of the motion be stricken from the record.

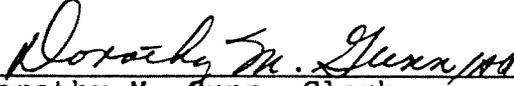
The Board's procedural rules allow motions for reconsideration provided that such a motion is filed within 35 days of the adoption of the Board's Order. 35 Ill. Adm. Code 101.246(a).

Since the complainant's motion was filed in a timely manner, the Board has jurisdiction to act on the motion notwithstanding the respondent's appeal filed with the Second District. See Clean Air Coordinating Committee v. Environmental Protection Agency, 42 Ill. App. 3d 124, 355 N.E.2d 573 (1st Dist. 1976) (An appeal of a Board decision taken prior to the Board's disposition of a timely filed motion for reconsideration was premature and ineffective.); Supreme Court Rule 303(a); Ill. Rev. Stat. 1987, ch. 110, par. 3-101. Aden v. City of Freeport, PCB 86-193, (November 3, 1988).

The Board anticipates that it will rule on the complainant's motion and the respondent's response at the Board meeting of September 13, 1989.

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 31st day of August, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board