

ILLINOIS POLLUTION CONTROL BOARD
September 4, 2003

ANTHONY and KAREN ROTI, PAUL)
ROSENSTROCK, and LESLIE WEBER,)
)
Complainants,)
)
v.) PCB 99-19
) (Citizens Enforcement – Noise)
LTD COMMODITIES,)
)
Respondent.)

ORDER OF THE BOARD (by T.E. Johnson):

On July 24, 2003, the Board issued a final opinion and order in this matter. On August 28, 2003, respondents filed motions for reconsideration, modification, and stay. The Board is not ruling on the merits of the motions for reconsideration or modification, as the complainant's response time has not yet run. The Board will, however, discuss one aspect of the motion to stay.

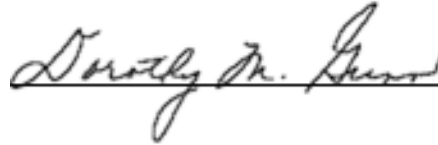
In its motion, LTD Commodities (LTD) argued that LTD would suffer undue hardship if required to comply with the Board's July 24, 2003 order. LTD also indicated that since the date of the final opinion and order, LTD has employed the services of a new noise consultant to review this matter. Among several requests for modification, LTD moves the Board to stay the effect of the opinion and order pursuant to Section 101.520 of the Board's procedural rules. Section 101.520(c) provides:

A timely-filed motion for reconsideration or modification stays the effect of the final order until final disposition of the motion in accordance with Section 101.300(d)(2) of this Part. 35 Ill. Adm. Code 101.520(c).

Pursuant to Section 101.520(c) the Board's July 24, 2003 final opinion and order in this matter is stayed as of August 28, 2003, until the final disposition of LTD's motion for reconsideration in accordance with the Board's procedural rules.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 4, 2003, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board