ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

DANIEL LORDEN and HELEN LORDEN,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 89-19
	)	(Enforcement)
SHERIDAN SOUTH CONDOMINIUM ASSOCIATION,	)	
	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Marlin):

This matter is before the Board on Respondent Sheridan South Condominium Association's Motion to Dismiss the complaint of Daniel and Helen Lorden (Lordens) filed March 20, 1990. The Motion was premised on the Lordens' alleged failure to timely file an amended complaint in this matter. On March 12, 1990 the Board received the Lordens' Motion to File Instanter which attached the amended complaint for filing. Thereafter, on March 22, 1990 the Hearing Officer entered an order granting leave to file the amended complaint instanter and setting forth a discovery schedule and hearing date. Although rulings on motions to dismiss are within the exclusive province of the Board, the Hearing Officer may exercise authority over a motion to file instanter. Because the Hearing Officer has disposed of the Respondent's Motion in the manner outlined above, the Board denies the Motion to Dismiss presently before it as moot.

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 12th day of April, 1990, by a vote of 7-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board