

ILLINOIS POLLUTION CONTROL BOARD

April 18, 1996

DOROTHY L. HOFFMAN,)	
)	
Complainant,)	
)	
v.)	PCB 94-146
)	(Enforcement - Noise - Citizens)
CITY OF COLUMBIA,)	
)	
Respondent.)	
)	

ORDER OF THE BOARD (by J. Yi):

This matter is before the Board pursuant to respondent's motion filed on April 4, 1996, to extend time to file its post-hearing brief. On May 5, 1994 Dorothy L. Hoffman filed this citizen's enforcement complaint before the Board against respondent, the City of Columbia. The complaint alleged that respondent violated 415 ILCS 5/23 and 5/24 of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 900.102. On June 2, 1994 the Board found this matter was not frivolous or duplicitous and sent it to hearing.

Respondent states in its motion that new representation was recently obtained and that the parties agreed that each would have similar time to prepare their briefs. Additionally, respondent states that the complainant filed her brief on March 26 even though it was originally due February 29, 1996. The respondent is requesting an additional sixty days to file its brief as the result of the above circumstances.

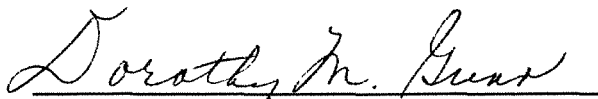
On April 4, 1996 the Board granted the complainant's motions to extend time to file its brief and accepted the brief as timely filed on March 26, 1996. Additionally we stated "Since the hearing officer originally provided the respondent six (6) weeks to file its brief, the respondent's brief is now due May 16, 1996 and complainant's rebuttal brief is due May 30, 1996." Respondent is requesting the Board to extend its time to file until June 10, 1996, sixty days beyond the original due date of April 11, 1996.

The Board notes that no substitution of attorney or appearances have been filed in this matter as required pursuant to 35 Ill. Adm. Code 101.108 and 35 Ill Adm. Code 101.107(c). Additionally no withdrawal of appearance has been filed pursuant to 35 Ill. Adm. Code 101.107(d). The Board directs respondent to file a substitution of attorney and appearance in accordance with Sections 101.108 and 101.107(c).

The Board grants respondent's motion for extension of time and vacates that part of the April 4, 1996 order in this matter. Therefore the respondent's brief is now due June 10, 1996 and complainant's reply is now due June 24, 1996.

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 18th day of April, 1996, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board