

ILLINOIS POLLUTION CONTROL BOARD  
October 24, 1991

JOHN ZARLENGA and	)	
JEAN ZARLENGA,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 89-169
	)	(Enforcement)
BLOOMINGDALE PARTNERS, an	)	
Illinois Limited Partnership,	)	
HOWARD EDISON, BRUCE MCCLAREN,	)	
and GARY LAKEN,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by J. Anderson):

On September 27, 1991, Bloomingdale Partners, an Illinois Limited Partnership, Howard Edison, and Bruce McClaren ("respondents") filed a motion asking for an extension of time to comply with the Board's May 9, 1991 Board's Interim Opinion and Order. On October 10, 1991, John and Jean Zarlenga ("Zarlenga") filed a response to respondents' motion as well as a request for leave to respond to respondents' motion.

In their motion, respondents ask that the Board grant them another 30 day extension, from September 30, 1991 until October 31, 1991, in which to submit to the Board and the Zarlengas a report on the methods of reducing or eliminating the noise pollution emitted from One Bloomingdale Place. In support of their motion, respondents state that they have retained an acoustician who has begun an evaluation of the sound emissions. Respondents note, however, that the acoustician has been unable to complete all of the tests necessary to evaluate the sound emissions because inclement weather and delays in connection with the reorganization.

In their motion, the Zarlengas ask that the Board grant them leave to respond to respondents' motion instanter. In support of their request, the Zarlengas state that their attorney did not receive notice of respondents' motion until October 2, 1991, and that their attorney was unable to respond to the motion within the six working days between October 2, 1991, and the Board's October 10, 1991 meeting because he had no time to consult with respondents' attorneys or them. The Zarlengas add that their attorney notified the Board and the respondents' attorneys that they wished to object to respondents' motion for extension of time.

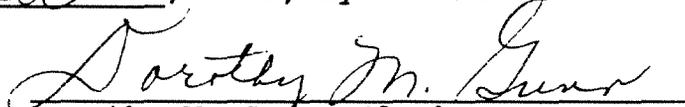
As for their response to the respondents' motion, the Zarlengas take issue with respondents' assertions that they hired an acoustician and that the acoustician has been unable to

complete his work because of inclement weather and delays in connection with the reorganization. The Zarlengas also allege that respondents stated, in a disclosure statement filed in the bankruptcy proceeding, that the sum of \$95,000.00 of the June operating budget of the association was available to resolve the noise pollution coming from One Bloomingdale Place. Accordingly, the Zarlengas request that respondents' motion be denied or, in the alternative, that respondents produce evidence of the efforts made to comply with the Board's Order and set forth a completion date for the work.

The Board hereby grants the Zarlengas' request for leave to respond to respondents' motion instanter. However, in light of the fact that respondents expect to submit their report within a few days of this Order, the Board grants respondents' motion and directs the respondents to file their report with the Board and the Zarlengas no later than October 31, 1991.

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 24<sup>th</sup> day of October, 1991, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board