

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1990

WILL COUNTY ENVIRONMENTAL)
NETWORK,)
)
Complainant,)
)
v.) PCB 89-64
) (Enforcement)
)
GALLAGHER ASPHALT,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On February 14, 1990, Gallagher Asphalt filed a motion for extension of time in PCB 89-64, Will County Environmental Network v. Gallagher Blacktop. In this motion, Gallagher Asphalt asserts that its attorneys improperly impleaded Gallagher Blacktop as respondent here and that the correct name of respondent is Gallagher Asphalt. The Board will accept this name substitution unless objected to by complainant.

The motion for extension of time requests that the report, as required in the Board's Interim Opinion and Order of January 11, 1990, would be filed by May 31, 1990, rather than by March 31, 1990. That report is to discuss the background noise situation; characterization of noise levels; and evaluation of the various means available to reduce noise levels.

Gallagher has not provided a very persuasive argument for extending the due date for the required report. The Board finds no basis for Gallagher's assertion that proceeding with parts of the report would result in unreasonable expense and delay. On the contrary, the proposed date of May 31, 1990 could involve as much as another 30 days of review and 30 days to issue an opinion and order of the Board. It is the specific intent of the Board that the violations already found shall not continue for another construction season through the summer of 1990.

On February 21, 1990, the Board received a response from Will County Environmental Network in opposition to respondent's motion. The Board will grant Gallagher a 30-day extension until April 30, 1990 to file its report; however, the Board will require that under no circumstances shall the noise producing equipment, trucks, or other devices be operated before 6 a.m. until such time as the Board enters its final order after review of the above-referenced report.

IT IS SO ORDERED

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the day of , 1990, by a vote of .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board