

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1987

IN THE MATTER OF:)
)
PUBLIC AIRPORT NOISE) R77-4
REGULATIONS,)
35 ILL. ADM. CODE 904)

INTERIM ORDER OF THE BOARD (by J. Marlin):

By its Resolution of January 26, 1987, the Board noted that a decision of the Illinois Appellate Court for the Second District in Bryski v. City of Chicago, No. 85-0140, October 15, 1986, could affect the Board's prior legal analysis concerning the Board's authority to regulate airport noise. The Board noted that a petition for leave to appeal that case was pending before the Supreme Court, and requested that the Attorney General "intervene" as a "friend of the court" on the Board's behalf.

The Attorney General filed appropriate pleadings with the Supreme Court on February 4, and two days later the Court denied leave to appeal. Bryski v. City of Chicago, No. 64397, February 6, 1987.

The Board will resume deliberations in this docket.

By Order of January 22, 1987, the Board accepted P.C. 176, which was the Attorney General's analysis and briefing of the Bryski decision. The Board did not establish a reply schedule at that time, as further proceedings in Bryski could have obviated the need for further briefing by participants in this docket. Now, however, it is appropriate to extend to all participants the right to reply to the Attorney General's P.C. 176 and to otherwise address any issues raised by Bryski. Briefs and comments from all participants concerning these issues will be accepted if filed on or before March 23. The Attorney General may file any responsive comments on or before April 13. The Board requests strict adherence to this schedule.

IT IS SO ORDERED.

J. T. Meyer voted "present".

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 19th day of February, 1987 by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board