

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1997

LIONEL P. TREPANIER, DANIEL MILLER,)
WES WAGER, MAUREEN COLE, LORENZ)
JOSEPH, MAXWORKS GARDEN)
COOPERATIVE and AVI PANDYA,)

Complainants,)

v.)

SPEEDWAY WRECKING COMPANY, and)
BOARD OF TRUSTEES OF THE)
UNIVERSITY OF ILLINOIS.)

Respondents.)

PCB 97-50
(Enforcement - Citizens, Air)

ORDER OF THE BOARD (by K.M. Hennessey):

This case involves the demolition of several buildings in the area of Halsted and Maxwell streets in the City of Chicago. Complainants, each of whom resides or works near the buildings at issue, allege that the demolitions have resulted in or will result in air pollution and open dumping. Complainants therefore allege that the respondent has violated, or will violate, various provisions of the Illinois Environmental Protection Act.

Now pending before the Board is complainants' motion for leave to add the Board of Trustees of the University of Illinois (University) as a respondent, which complainants filed on December 31, 1996. The University has not filed a reply to the motion. For the reasons stated below, the Board grants the motion.

The University was originally named as a respondent in this case, but the University moved to dismiss the complaint on the grounds that the University had not been properly served and that the Board therefore lacked personal jurisdiction over the University. The Board agreed, and dismissed the University by an order dated November 21, 1996. That order stated that it did not preclude the complainants from bringing the University back into this case by proper service.

Complainants now move to add the University, and in support of their motion attach a copy of proof that they have served the president of the University by registered mail. On this basis, the Board finds that service was proper and accordingly grants complainants' motion to add the University to this case. By this order, the University is also added to the caption of this case.

The Board further notes that the Board has already accepted for hearing complainants' case against the remaining respondent, Speedway. In order that this case proceed as efficiently as possible, the hearing officer should not set this matter for hearing until after the University has filed a response. After that time, and after any motions raised in the response have been resolved, this case should be set for hearing and should proceed as expeditiously as possible.

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 ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board