

ILLINOIS POLLUTION CONTROL BOARD

January 8, 2004

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-7
	)	(Enforcement - Air)
QC FINISHERS, INC., an Illinois corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by A.S. Moore):

QC Finishers, Inc. (QC Finishers) filed two motions on October 22, 2003. In the first motion, QC Finishers asks the Board to rule on several pleadings. In the second motion, QC Finishers asks the Board to “reopen” its September 18, 2003 decision denying QC Finisher’s motion to reconsider. The People of the State of Illinois (People) filed a response on October 22, 2003, opposing the motions. For the reasons below, the Board denies QC Finishers’ motions, but allows the filing of a supplemental answer and any responsive motions.

By way of background, on June 19, 2003, the Board granted in part and denied in part the People’s motion to strike purported affirmative defenses raised by QC Finishers. On July 31, 2003, QC finishers moved the Board to reconsider. The People filed a response to the motion on August 28, 2003. QC Finishers then moved the Board to strike the People’s response as untimely or, alternatively, to grant QC Finishers leave to file a reply. The Board denied QC Finishers’ motion to reconsider on September 18, 2003. QC Finishers now seeks explicit Board rulings addressing QC Finishers’ motion to strike or, alternatively, reply. Motion at 1-3.

The Board denies QC Finishers’ motion for ruling. The basis for denying QC Finishers’ motion to reconsider was the inadequacy of the motion itself, as stated plainly in the Board’s September 18, 2003 order. *See People v. QC Finishers, Inc.*, PCB 01-7, slip op. at 1 (Sept. 18, 2003). Simply, QC Finishers’ motion to reconsider failed to present the Board with any reason to conclude that the Board had erred. The Board did not cite to or rely upon the People’s late response as support for the Board’s denial. QC Finishers’ motion to strike or, alternatively, reply is moot and therefore does not now warrant a Board ruling, well after the Board already ruled on the merits of the motion to reconsider.

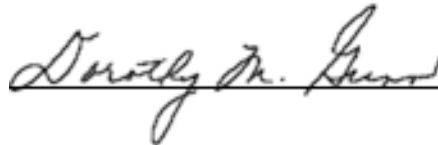
QC Finishers also asks the Board to reopen the Board’s September 18, 2003 denial of QC Finishers’ motion to reconsider. At bottom, QC Finishers complains that the Board’s order denying reconsideration was not sufficiently detailed in addressing each issue raised by QC Finishers’ motion to reconsider. Motion at 2-3. In response, the People characterize QC Finisher’s motion to reopen as merely a second motion to reconsider, which is “unnecessary and redundant” in view of the Board’s September order. Response at 2.

The Board found in its September 18, 2003 order that QC Finishers failed to present the Board with new evidence, a change in the law, overlooked facts, or any other reason to conclude that the Board erred in its June 19, 2003 order. *See QC Finishers, Inc.*, PCB 01-7, slip op. at 1 (Sept. 18, 2003). The Board denies QC Finishers' motion to reopen.

In the interest of expediting this proceeding, however, the Board grants QC Finishers 21 days from service of this order to file a supplemental answer setting forth any affirmative defenses. *See* 35 Ill. Adm. Code 103.204(d). The Board grants the People 21 days from service of the supplemental answer to file any responsive motion.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 8, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board