

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1992

YOLANDA PRICE,)
)
 Complainant,)
)
 v.) PCB 92-119
) (Enforcement)
)
 SOUTH SHORE VILLA)
 CONDOMINIUMS, and QUALITY)
 MANAGEMENT SERVICE, INC.,)
)
 Respondents.)

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

On August 20, 1992, Yolanda Price filed this complaint alleging a noise nuisance in violation of 35 Ill. Adm. Code 900.102. Ms. Price alleges that operation of the boiler by the respondents, the condominium association and the management service, cause an unreasonable level of noise in the condominium unit which she owns and in which she lives.

By order of September 3, 1992, the Board on its own motion directed the parties to brief the issue as to whether the Board has jurisdiction in this matter in light of the Board's holding in Bruce Nesbitt v. the 100 Bellevue Place Condominium Association, PCB 92-48 (May 21, 1992), appeal voluntarily dismissed, No. 1-92-2128, (1st Dist., September 10, 1992). The parties were directed to file simultaneous briefs addressing this jurisdictional issue on or before September 25, 1992.

Ms. Price filed her response on September 25, 1992. On the same day, respondents filed a motion for extension of time in which to respond through October 16, 1992. In support, the motion states that "the Board's order was only recently received by [respondents], on account of having been mailed to a wrong address". Complainant has not responded to the motion.

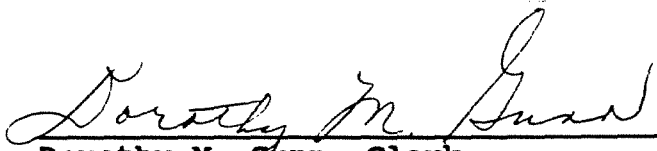
The Board notes that its September 3 order was mailed to the address provided by complainant. Upon return of the order to the Board, the Clerk's office contacted complainant's counsel, who provided what appears to be the correct address.

Although the response time for respondents' motion has not run, the Board will rule upon the motion to prevent further "undue delay" in the progress of this action (see 35 Ill. Adm. Code 101.241(b)). The respondents' motion for extension of time to respond to the Board's September 3, 1992 order is granted through October 16, 1992.

0136-0243

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 1st day of October, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board