

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1991

SUSAN A. CURTIS and)
MARCY DIESING,)
)
Complainants,)
)
and)
)
CITY OF CRYSTAL LAKE,)
)
Intervening-Complainant,)
)
v.) PCB 91-30
) (Enforcement)
)
MATERIAL SERVICE CORPORATION,)
)
Respondent.)

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

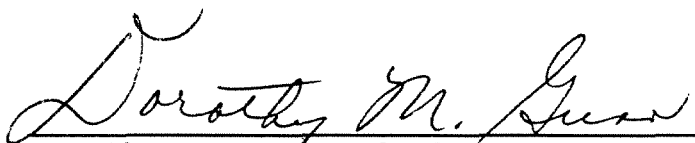
This case is before the Board on several motions filed by numerous parties. The motions filed by the parties include a motion filed by Material Service Corporation asking for leave to file an answer to the City of Crystal Lake's (the "City") complaint and a cross-complaint. In addition, a Motion to Intervene and a "Motion to File A Reply to Response of City of Crystal Lake to Petition to Intervene" were filed by the Village of Lake in the Hills (the "Village"). The Board has not received a filing from the City since the City filed its Motion to Intervene. The Hearing Officer in this matter provided the Board with a copy of a filing which he had received from Crystal Lake entitled "Response of Intervening-Complainant to Motion of Complainant For Leave To File Its Answer and Cross-Complaint" (sic). The Board, according to the attached proof of service, was not served with that filing. Further, the Hearing Officer indicated that he had not received a response from the City to the motion to intervene.

The Board notes that if a complaint is filed by a person other than the Agency the Board must determine if the complaint is duplicitous or frivolous. 35 Ill. Adm. Code 103.124. Since the City filed its response with the Hearing Officer and not the Board, and since there are additional filings relevant to a determination on the outstanding motions which apparently have not been filed with the Board, the Board will not rule on the motions before it today. However, the Board directs that all parties, if desired, file responses with the Board to be received by the Board no later than November 5, 1991. Further, the Board reminds the parties that proceedings before it are governed by procedural rules set forth by the Board in 35 Ill. Adm. Code 101-120 and that motions must

comport with these rules in order to be heard by the Board.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 24th day of October, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board