

ILLINOIS POLLUTION CONTROL BOARD

February 4, 1993

IN THE MATTER OF:)
)
ADJUSTED STANDARD OF C.J.) AS 92-6
GOODALL TIRE CO., INC. FROM) (Adjusted Standard)
35 ILL. ADM. CODE 848.202)

ORDER OF THE BOARD (by G. T. Girard):

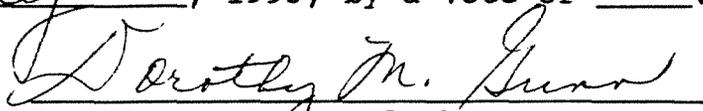
This matter comes before the Board on petitioner's November 17, 1992, amended petition for adjusted standard. The amended petition requests an adjusted standard from 35 Ill. Adm. Code 848.202(b)(5) and 35 Ill. Adm. Code 848.202(c)(5). In addition, petitioner asserts that its request for exemption from 35 Ill. Adm. Code 848.404 is substantially complete and in compliance with Board regulations regarding such petitions. The Agency's December 18, 1992, response recommended approval of the adjusted standard from sections 848.205(b)(5) and 848.202(c)(5) but not from section 848.404.

On January 4, 1993, Goodall filed an answer to the Agency's response to the petition for an adjusted standard. On January 11, 1993, the Agency filed a motion for leave to file and reply to petitioner's answer to the Agency's response. On January 20, 1993, petitioner filed a motion to strike, or, in the alternative, leave to file a reply. On January 29, 1993, the Agency filed a response in opposition to petitioner's motion to strike.

Neither petitioner's answer to the Agency's response or the Agency's reply to petitioner's answer are specifically provided for in the Board's procedural rules. However, in this case, petitioner has waived the hearing and the answer and reply significantly add to the record. Therefore, the Board accepts petitioner's answer to the Agency's response and the Agency's reply to petitioner's answer. Accordingly, the Board denies petitioner's alternative motion to strike. The Board believes that the accepted filings have provided both parties with ample opportunity to address the issues and therefore leave to file a reply is denied.

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 4th day of February, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0139-0127