

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1992

REICHHOLD CHEMICALS, INC.,)
)
 Petitioner,)
)
 v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

PCB 92-98
(Underground Storage Tank
Fund Determination)

ORDER OF THE BOARD (by J. Anderson):

On November 23, 1992, Reichhold Chemicals, Inc. (Reichhold) filed a motion for leave to file its post-hearing reply brief *instanter*. On December 2, 1992, the Illinois Environmental Protection Agency filed a motion for leave to file a reply brief *instanter*.

Pursuant to the hearing officer's September 24, 1992 scheduling order, Reichhold's post-hearing brief was to be filed by October 21, 1992, the Illinois Environmental Protection Agency's (Agency) response brief was to be filed by November 9, 1992, and Reichhold's reply brief was to be filed by November 18, 1992.

On November 12, 1992, the Illinois Environmental Protection Agency (Agency) filed a motion for leave to file its response brief *instanter*.¹ The Board granted the Agency's motion on November 19, 1992. In its motion to file *instanter*, Reichhold notes that the Agency, in its November 12, 1992 motion, acknowledged that the Agency would have no objection to Reichhold filing its reply brief *instanter*.

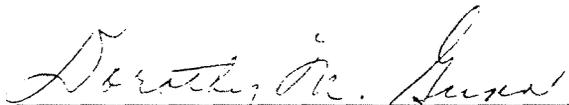
The Board hereby grants Reichhold's motion. As for the Agency's motion, the Board notes that Reichhold has not yet had an opportunity to respond to the motion. Because this matter is due on December 17, 1992, and in order to provide Reichhold with the opportunity to respond, the Board will take the Agency's motion with the case.

IT IS SO ORDERED.

¹This motion was date-stamped on November 13, 1992. 35 Ill. Adm. Code 101.102(d), however, provides that if the Board receives a document is received after the due date, the date of mailing shall be deemed the date of filing.

0137-0553

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 31st day of December, 1992, by a vote of 7-6.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board