

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1981

TECHNICAL SERVICE COMPANY, INC.,)
A Corporation,)
)
Petitioner,)
)
v.) PCB 81-105
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

On November 19, 1981 Technical Service Company, Inc. (Technical Services) filed a timely motion for reconsideration which failed to include proof of service. On December 3, 1981 the Illinois Environmental Protection Agency (Agency) filed a response and request for clarification which includes what is construed to be a motion to strike Technical Services petition for reconsideration based upon the lack of proof of service. Technical Services filed a reply to the Agency's response on December 14, 1981.

The Agency's motion to strike is denied. Given that the Agency in fact responded to Technical Services' petition, service must have occurred and no prejudice could have resulted from the technical violation of Procedural Rule 308 requiring proof of service.

Technical Services' motion for reconsideration is denied except as it regards the computation of time for Agency action. The Board notes that Procedural Rule 105 is in accord with Ill. Rev. Stat. (1979), Ch. 1, par. 1012 and reaffirms its holding that the Agency's denial of the permit in this matter was timely.

The Agency's request for clarification is also denied, although the Board notes that it did not find that the materials in Pond Number 1 would have been sold but for the litigation involving it or that Safety-Kleen necessarily indicates that the material in that pond is not a waste. These are issues for the court to decide in the ongoing litigation concerning Pond Number 1 and have not been, and need not be, decided by the Board here. The Board was merely noting Technical Services' arguments.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of December, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board