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STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION**

Illinois EPA,

Complainant,

v.

Reynolds Service Co., Inc.,

Respondent.

AC 09-14

MOTION TO CLARIFY RECORD

On behalf of the Respondent, Reynolds Service Co., Inc., Thomas J. Immel, of the law firm of Feldman, Wasser Draper and Cox, hereby files this motion in an attempt to clarify the record in the instant case as regards the Respondent's receipt of the above referenced Administrative Citation, and states as follows:

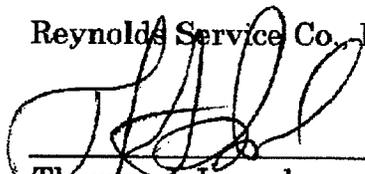
1. This Motion is being fax filed with the Clerk of the Board pursuant to Procedural Rule 101.302(d).
2. The Board's agenda for this date (November 5, 2008) has set this matter for entry of a default order on the basis that Respondent's filing of a Petition for Review was due no later than October 16, 2008, further predicated on the belief that Respondent had received the said Citation on September 11, 2008.
3. The undersigned counsel was retained by phone on October 8, 2008 and received the Citation via express mail on the 9th, having been informed that it had just recently been received by the Respondent.

4. In fact it appears that the Respondent has received multiple documents from the offices of Complainant via certified mail on various dates and that the instant Citation was actually received by Respondent on September 29, 2008, not September 11th, and that Respondent's filing of a Petition for Review was due on or before November 3, 2008.
5. The undersigned filed said Petition for Review via U.S. Mail on October 30, 2008, within the time prescribed by law, and Respondent should not be subject to risk of a default order in the instant matter.
6. Having just discovered that the Board's November 5th Agenda lists this matter for disposition as described in Paragraph 2 above, the undersigned requests that this matter not be decided as shown in said Agenda; rather, that the matter be held over to permit a response to this motion by Complainant, or, alternatively, that the matter be authorized for hearing.

Respectfully submitted,

Reynolds Service Co., Inc.,

By:



Thomas J. Immel

CERTIFICATE OF SERVICE

The undersigned of FELDMAN, WASSER, DRAPER & COX hereby certifies that a copy of the foregoing document was served upon each of the addressees hereinafter set forth by enclosing the same in an envelope plainly addressed to each of the said addresses, with postage fully prepaid, and depositing same in a U.S. Mail Box in Springfield, Illinois on this 5th day of November, 2008:

Michelle Ryan
IEPA Bureau of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

and that the original was sent via fax (312-814-3669) to:

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601



Thomas J. Inmel

FELDMAN, WASSER, DRAPER & COX

ATTORNEYS AND COUNSELORS AT LAW

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Thomas J. Immel,
Of Counsel

11/5/08

Authorized FAX
Filing To PCB Clerk

312-814-3669