

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1989

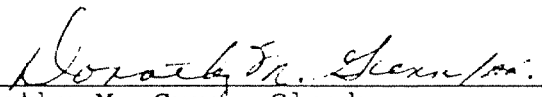
FRED E. JURCAK)	
)	
Petitioner,)	
)	
v.)	PCB 85-137
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

ORDER OF THE BOARD BY (M. Nardulli):

This matter comes before the Board upon a "Motion to Modify Permit" filed December 4, 1989 by petitioner Fred E. Jurcak ("Jurcak"). By this motion, Jurcak apparently seeks to modify the time period of the variance. The Board notes that under certain circumstances the Board has construed such motions as permit appeals requiring a new docket number and the filing of the requisite filing fee. The Board also notes that if Jurcak's instant motion was construed as a permit appeal, it would be untimely filed. (See, Ill. Rev. Stat. 1987, ch. 111½, par. 1041(a).) In order to aid the Board in its decision of whether to treat Jurcak's filing as a motion or a permit appeal, the Board orders the Agency to respond to this matter no later than December 20, 1989 and directs Jurcak to reply no later than December 27,

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 6th day of December, 1989 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board