

ILLINOIS POLLUTION CONTROL BOARD  
February 9, 1984

UNITY VENTURES, )  
 )  
Petitioner, )  
 )  
v. ) PCB 80-175  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY OF DUPAGE, )  
 )  
Respondents. )

ORDER OF THE BOARD (by J. Anderson):

On January 19, 1984, Unity moved the Board to reconsider its December 15, 1983 Opinion and Order denying the variance requested by Unity. The Agency filed its response in opposition on February 2.

Unity's motion raises only one new issue for the Board's consideration: that the Board has improperly "relied upon the Agency's Amended Recommendation as if it were evidence thus elevating mere pleadings to the status of proof" (Motion, ¶ 2). It is true that the Recommendation, a filing required by Sec. 37 (a) of the Environmental Protection Act, was not introduced as an exhibit at hearing. However, neither was Unity's petition. This is consistent with usual Board practice, since pleadings, once filed, become part of the record which the Board must consider. The Motion for reconsideration is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9<sup>th</sup> day of February, 1984 by a vote of 7-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board