

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

ALLIANCE FOR A SAFE ENVIRONMENT, a)
citizens' association, the CITY OF)
CHILLICOTHE, a municipal corp-)
oration, and JAMES CURRIER, ALVA)
PULLEN, RICHARD DIEFENBACH, MICHAEL)
ALDRICH, GEORGE VON BRAUNSCHEWIG,)
BETTY MENOLD and TOM DAVIS,)

Petitioners,)

v.)

PCB 80-184)

AKRON LAND CORPORATION and the)
ENVIRONMENTAL PROTECTION AGENCY,)

Respondents.)

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


On December 1, 1980. Akron Land Corporation filed a Motion to Dismiss Amended Petition, alleging that neither the Petition nor the Amended Petition were timely filed. That motion is hereby dismissed.

The original petition was filed on October 6, 1980. Under Procedural Rule 105, the time for filing is computed from "the first business day following the day on which the act, event, or development occurs." Since the permit was issued on Friday, August 29, 1980, the computation of time began on Monday, September 1, 1980, and ended 35 days later on October 6, 1980. Therefore, the petition was filed on the last permissible day.

The Board further concludes that the amended petition does relate back to the date of the original filing, and was, therefore, also timely filed.

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 4th day of December, 1980 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board