

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1993

KEWANEE COMMUNITY UNIT SCHOOL)
DISTRICT NO. 229,)
)
Petitioner,)
)
v.) PCB 93-39
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

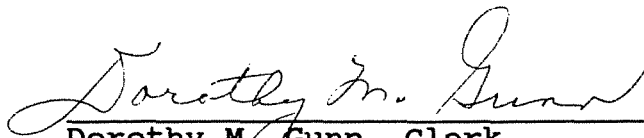
ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a March 15, 1993 motion to file the record instanter, filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on February 23, 1993, and the Agency states that it received notice of the petition on February 26, 1993. Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Pollution Control Board within 14 days "upon notice of the petition". The record was therefore due to be filed on March 12, 1993.

The Board notes that the proof of service accompanying the motion to file instanter indicates that the record and the motion were mailed on March 12, 1993. Therefore, pursuant to the Board's "mailbox rule" (35 Ill. Adm. Code 101.102(d)), the record is timely filed. The motion is moot.

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 25th day of March, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board