

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1992

IN THE MATTER OF:)
)
PETITION OF WE-SHRED-IT, INC.,) AS92-2
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard)
35 ILL. ADM. CODE 848.101)
(WASTE TIRES))

ORDER OF THE BOARD (by J.C. Marlin):

On September 8, 1992, the Illinois Environmental Protection Agency (Agency) filed a Motion for Leave to File Instanter, an Agency Response to Second Amended Petition for Adjusted Standard and Agency's Post-Hearing Comments.

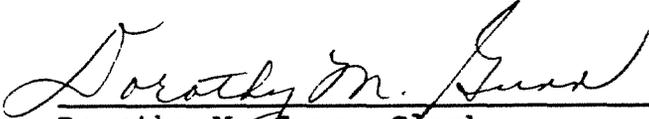
On September 3, 1992, the Board entered an opinion and order in this matter, denying the requested adjusted standard from the financial assurance requirement for used and waste tires in 35 Ill. Adm. Code 848. The Agency's filing makes no reference to the opinion.

As discussed in the opinion (p. 1-3), the procedural history was confused, in part because of the sequence of amended petitions and Agency responses filed prior to, during and after the hearing. In addition, the Board noted that the Agency had not filed its closing comments within the 14 days allowed by the hearing officer at the June 29, 1992, hearing.

We believe that the Agency was not aware of the Board's final opinion and order at the time these pleadings were filed. The response and post-hearing comments are now moot. The motion for leave to file instanter is therefore denied. The Agency may file a timely motion for reconsideration of the September 3, 1992, opinion and order if there are matters in these pleadings which the Board needs to consider.

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 17th day of September, 1992 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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