

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 1989

CAN-AM INDUSTRIES, INC, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 89-25  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):

On February 2, 1989, the Can-Am Industries, Inc. (Can-Am) filed a variance petition. However, Can-Am did not submit the appropriate filing fee when the petition was filed. Can-Am may have been unaware of recent amendments to the Environmental Protection Act which prescribe filing fees. P.A. 85-1331 (effective January 1, 1989).

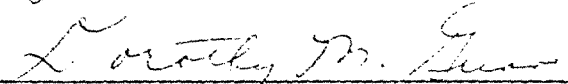
Pursuant to Resolution 88-3 (a copy of which is attached), the Board finds that the petition is deficient for failure to submit a filing fee of 75 dollars. In addition, the Board finds that the 120-day statutory decision period does not begin running until the appropriate filing fee is received by the Board.

Unless Can-Am files a filing fee within 21 days of the date of this Order the petition will be subject to dismissal.

Additionally, the Board notes that a hearing is required since the variance request involves air regulations.

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 2<sup>nd</sup> day of February, 1989, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board