

ILLINOIS POLLUTION CONTROL BOARD  
January 18, 2001

RICHARD AND WILMA SALYER, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 98-156  
 ) UST - FRD)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by C.A. Manning):

On November 24, 1998, a hearing was held regarding the Illinois Environmental Protection Agency's (Agency) decision to reimburse costs to the petitioner. Robert A. Mehrens (Mehrens) testified at the hearing and submitted a technical reference book entitled Modeling of In Situ Techniques for Treatment of Contaminated Soils.

On January 21, 1999, the Board affirmed the Agency's decision to deny reimbursement costs to the petitioner and closed the docket. No appeal of the Board's decision was filed. On December 11, 2000, Mehrens filed a motion requesting the Board return the technical reference book.

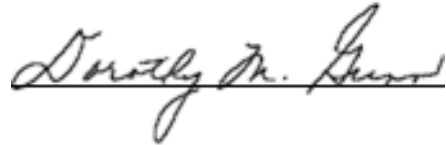
Section 101.302 of the Board's procedural rules (35 Ill. Adm. Code 101.302), effective January 1, 2001, provides that an original of "non-conforming" materials (such as books or oversized exhibits) may be returned to the person filing it in accordance with 2 Ill. Adm. Code 2175.300 upon closure of the proceeding. Section 2175.300(b) provides:

- b) Pursuant to Section 1 of the Illinois State Records Act, the Clerk shall maintain for five (5) years, all documents submitted by the parties in rulemaking and adjudicatory cases [5 ILCS 160/1]. After five (5) years, the documents shall be microfilmed and the microfilm shall be maintained by the Board. Documents microfilmed for the Board's record are subject to destruction unless the parties request that the documents be returned at the closure of the five-(5) year period. Over-sized exhibits which are not capable of being microfilmed will be returned to the parties at their request or destroyed. 2 Ill. Adm. Code 2175.300(b).

Given the final Board order was issued in 1999, the five-year period will not expire until 2003. The Board cannot return Mehrens' book until then.

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 18th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board