


ILLINOIS POLLUTION CONTROL BOARD  
August 30, 1990

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 90-89
	)	(Enforcement)
FRED JOHNSON, HERMAN L. LOEB,	)	
JOHNSON & BRIGGS TANK TRUCK SERVICE	)	
a/k/a JOHNSON & BRIGGS TANK TRUCK	)	
& HEATER SERVICE,	)	
	)	
Respondent.	)	

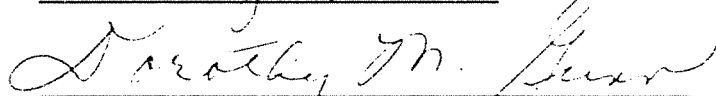
DISSENTING OPINION (by B. Forcade):

The motion to dismiss raises matters for disposition which are outside the record. To prevail upon such motion, Loeb must attach competent proof of the matters asserted. 35 Ill. Adm. Code 101.242 (a). He fails to do so. Therefore, I would have denied the motion. Any supplement to the motion to dismiss will not be filed within the 21 day time limit of 35 Ill. Adm. Code 101.243; therefore, it will be untimely.

Both sides to this controversy are represented by counsel, I do not believe it is necessary for this Board to reach out and tell them how to practice law.

  
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Bill S. Forcade, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 31<sup>st</sup> day of August, 1989.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board