

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1999

MULLERMIST IRRIGATION COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 99-180
)	(UST - FRD)
OFFICE OF THE STATE FIRE MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

Petitioner Mullermist Irrigation Company (Mullermist) filed its petition for review of a determination of the Office of the State Fire Marshal on June 3, 1999. The petition was filed on behalf of Mullermist by its president, Andrew Wright. In an order adopted on June 20, 1999, the Board, following In re Petition of Recycle Technologies Inc. (July 10, 1997), AS 97-9, ruled that Mullermist had to be represented by a licensed attorney. The Board gave Mullermist 30 days to file an amended petition through an attorney.

Thirty days after the Board's order, Mullermist had not filed an amended petition, nor had any attorney appeared on Mullermist's behalf. Respondent filed a motion to dismiss, based on Mullermist's failure to comply with the Board's order. The Board accepted the motion on September 23, 1999, and granted Mullermist until October 8, 1999, to respond. No response was received, nor has any attorney appeared on behalf of Mullermist.

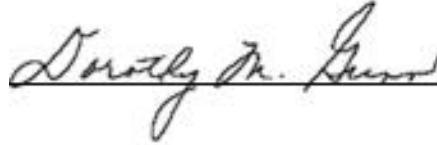
Respondent's motion is granted. This appeal is dismissed and this docket is closed.

IT IS SO ORDERED.

Board Member G.T. Girard abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of October 1999 by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board