

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1992

RUSSELL L. BACON,)
)
Petitioner,)
)
v.) PCB 92-111
) (Underground Storage Tank
ILLINOIS ENVIRONMENTAL) Fund Determination)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

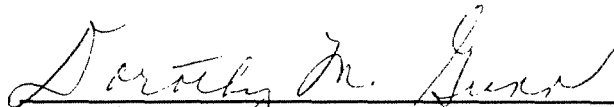
On November 17, 1992, Russell L. Bacon filed a motion to file his reply brief *instanter*.¹ At the October 13, 1992 hearing in this matter, the hearing officer specified that petitioner's post-hearing brief was to be filed by November 5, 1992, that the Illinois Environmental Protection Agency's (Agency) response brief was to be filed by November 12, 1992, and that any reply brief was to be filed by November 16, 1992.

On November 13, 1992, the Agency filed a motion for leave to file its response brief *instanter*.² The Board granted the Agency's motion on November 19, 1992. In the current motion, Mr. Bacon states that the Agency, in its November 13, 1992 motion, stated that the Agency would have no objection to petitioner filing its reply brief *instanter*.

The Board hereby grants petitioner's motion.

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 3rd day of December, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹This motion was date-stamped November 20, 1992. 35 Ill. Adm. Code 101.102(d), however, provides that, if the Board receives a document after the due date, the time of mailing shall be deemed the time of filing.

²This motion was date-stamped November 16, 1992.

0137-0555