

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1986

SHARON RYDZENSKI, and the)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainants,)
)
v.) PCB 86-189
)
ASPEN ENTERPRISES, LTD.,)
)
Respondent.)


ORDER OF THE BOARD (by E. Forcade):

On December 3, 1986, Respondent Aspen Enterprises, Ltd. ("Aspen"), filed a letter requesting that the Board "drop the proceeding as it relates to Candelight Village and a formal complaint filed by Sharon F. Rydzenski." The Board construes this filing as a motion to dismiss. The Board notes that there is no proof of service of this motion on Sharon Rydzenski and the Illinois Environmental Protection Agency. The motion does indicate that Sharon Rydzenski was "cc"ed or carbon copied on this filing, however, this is inadequate proof of service under 35 Ill. Adm. Code 103.123.

Proof of service on the Complainants is necessary in order to calculate the appropriate response time to Aspen's motion to dismiss. Therefore, Aspen must file a proof of service in accordance with 35 Ill. Adm. Code 103.123 either by affidavit of the person making personal service or by properly executed registered or certified mail receipt.

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 December, 1986 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board