

ILLINOIS POLLUTION CONTROL BOARD  
October 19, 1983

FRED E. JURCAK\*, )  
 )  
 Petitioner. )  
 )  
 V. ) PCB 83-134  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Theodore Meyer)

On October 3, 1983 the Illinois Environmental Protection Agency (Agency) moved to dismiss this matter, or in the alternative to have Fred E. Jurcak named as a Petitioner, the same having signed the application for the contested permit. On October 7, 1983 Petitioner filed a Response, Motion for Leave to File an Amended Permit Appeal and an Amended Permit Appeal naming Fred E. Jurcak as the sole Petitioner. The Motion for Leave to Amend avers that Fred E. Jurcak, not Energy Craft Corporation, is the owner/operator of the facility in question.


Pursuant to 35 Ill. Adm. Code 105.102(c) and 103.140 Petitioner's Motion for Leave to Amend is granted. This matter is retitled as Fred E. Jurcak v. Illinois Environmental Protection Agency. As the delay in the pursuit of this action is attributable to Petitioner's misnomer of parties, the Board construes the motion to amend the petition as constituting a pro tanto waiver of the decision date for the period in which confusion existed i.e. September 15 to October 19, thereby extending the decision date 34 days. The Agency has fourteen days from the date of this Order to file the record in this matter (35 Ill. Adm. Code 105.102).

IT IS SO ORDERED.

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\*This case was formerly docketed and captioned Energy Craft Corporation v. Illinois Environmental Protection Agency.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 1<sup>st</sup> day of October, 1983 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board