

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1993

FIATALLIS NORTH AMERICA,)	
INC.,)	
Petitioner,)	
)	
v.)	PCB 93-108
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a July 8, 1993, motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). Petitioner's appeal of the Agency's decision was filed with the Board on June 7, 1993, and the Agency received notice on June 8, 1993. Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Pollution Control Board within 14 days "upon notice of the petition". The record was therefore due to be filed on June 22, 1993. This motion and the record were filed 30 days after notice, and are 16 days late.

The Board is concerned about the delay in filing this record. The Board also notes with concern the absence of any earlier motion requesting an extension of time. However, as the Act requires the Board to consider the record in reaching its decision, the Agency's motion to allow filing of the record instanter is hereby granted.

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 24th day of July, 1993, by a vote of 7-6.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board