

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1992

STATE BANK OF WHITTINGTON,)
)
 Petitioner,)
)
 v.) PCB 92-152
) (Underground Storage Tank Fund
) Reimbursement Determination)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

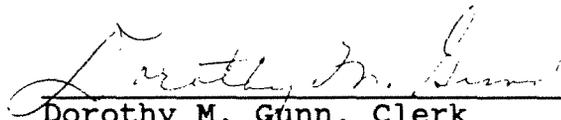
ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a October 30, 1992 motion to file the record instanter and a November 18, 1992 motion to file the supplemental record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on October 9, 1992, and the Agency asserts that it received notice of the petition on October 13, 1992. 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 October 27, 1992. The October motion and the record were filed 18 days after the Agency received notice of petitioner's appeal, and are 3 days late. The November motion and supplemental record are 25 days late.

The Board notes with concern the absence of any prior motion for extension of time. The Agency's motions to allow filing of the Agency record and supplemental record instanter are 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 19th day of November, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0137-0213