

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1992

GREENVILLE AIRPORT)
AUTHORITY,)
)
Petitioner,)
)
v.) PCB 92-157
) (Underground Storage Tank Fund
) Reimbursement Determination)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. C. Marlin):

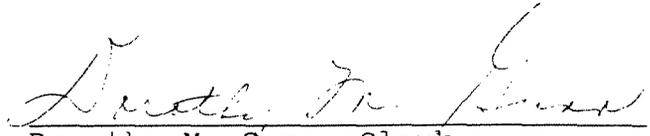
This matter comes before the Board on a November 30, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on October 21, 1992, and the Agency asserts that it received notice of the petition on October 22, 1992. 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 November 5, 1992. This motion and the record were filed 40 days after the Agency received notice of petitioner's appeal, and are 25 days late.

The Board is concerned about the significant delay in filing this record. The Board also notes with concern the absence of any earlier motion requesting an extension of time. The Agency's motion to allow filing of the Agency record instanter is hereby granted.

The Board additionally notes that on December 2, 1992 the Agency filed a motion for summary judgment. Ruling on this motion is reserved until expiration of the response time.

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

0137-0567