

ILLINOIS POLLUTION CONTROL BOARD
July 26, 2001

MAC INVESTMENTS, d/b/a OLYMPIC)	
OLDSMOBILE,)	
)	
Petitioner,)	
)	PCB 01-129
v.)	(UST-Appeal)
)	
OFFICE OF THE STATE FIRE MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by S.T. Lawton):

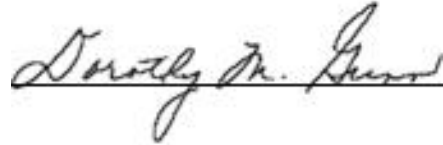
On July 9, 2001 the People of the State of Illinois (People), on behalf of the Office of the State Fire Marshal (OSFM), filed with the Board a motion to file *instanter* the OSFM record of decision. This matter involves the appeal by Mac Investments, d/b/a Olympic Oldsmobile (Mac Investments), of an OSFM determination concerning its eligibility and deduction for the reimbursement of costs associated with removing six underground storage tanks. Mac Investments alleges that it should not have to pay an additional \$15,000 deductible for a sixth underground storage tank at its facility, located at 3350 North Cicero Avenue in Chicago, Cook County, Illinois. The Board grants the motion to file the record *instanter* for the reasons below.

The Board regulations require the OSFM to file its entire record of decision within 30 days after the filing of the petition for review. 35 Ill. Adm. Code 105.116. Mac Investments filed its petition for review on March 19, 2001. The Board regulations and April 5, 2001 Board order required the OSFM to file its entire record in this matter no later than April 18, 2001. The Board adopted an order on June 21, 2001, that found the OSFM had not complied with the April 5, 2001 order and Board regulations requiring it to file the record by April 18, 2001. The Board ordered the OSFM to file the record by no later than July 6, 2001.

On July 9, 2001, the People, on behalf of OSFM, filed a motion to file the record *instanter*. The People allege that, due to an absence from the office, it was not able to comply with the Friday deadline of July 6, 2001. An attached exhibit showed that the People received the June 21, 2001 Board order during the time of the absence. Exhibit A. The Board grants the motion to file *instanter* and accepts the OSFM record in this matter.

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 26th day of July 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board