

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1994

MARION PEPSI COLA,)
)
 Petitioner,)
)
 v.) PCB 94-255
) (UST-Fund)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD: (by E. Dunham):

This matter is before the Board on an October 24, 1994 motion to file the record instant, filed by the Illinois Environmental Protection Agency (Agency). The Agency also filed a motion to supplement the record on October 28, 1994.

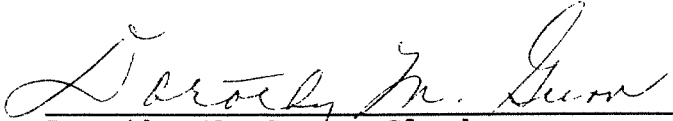
Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Pollution Control Board within 14 days "upon notice of the petition". The Agency states that it received notice of the petition on September 23, 1994. The record was therefore due to be filed on October 7, 1994. The Agency filed the record 31 days after the Agency received notice of petitioner's appeal, and is 17 days late.

The Board is concerned about the delay in filing this record. However, because the Agency's record is necessary for the decision of this proceeding, the motion to file the Agency record instant is hereby granted.

The Agency requests that 15 documents be added to the Agency's record. The Agency states that upon further review of the record it was discovered that an additional set of documents relevant to this matter existed but were not made part of the record. The Board grants the motion to supplement the record.

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 November, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board