

ILLINOIS POLLUTION CONTROL BOARD
November 4, 1993

WILMER BROCKMAN, JR. and)
FIRST MIDWEST BANK OF JOLIET)
AS TRUSTEE UNDER TRUST NO. 757,)
)
Petitioner,)
)
v.) PCB 93-162
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

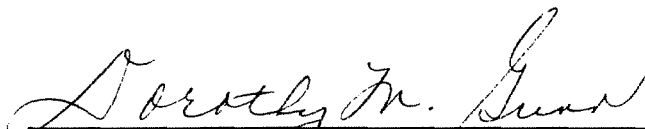
ORDER OF THE BOARD (by G. T. Girard):

This matter comes before the Board on a October 22, 1993, motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency) and November 2, 1993 motion to correct the caption on the Agency record. This petition was filed with the Board on August 31, 1993, and the Agency asserts that it received notice of the petition on September 1, 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 September 14, 1993. This motion and the record were filed 52 days after the Agency received notice of petitioner's appeal, and are 38 days late.

The Board is concerned about the significant delay in filing this record, which resulted in a hearing scheduled for October 22 to be cancelled. 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 and the motion to correct the caption 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 4th day of November, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board