

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1993

ROCK-OLA MANUFACTURING CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 90-24
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

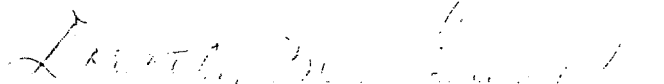
On July 1, 1993, the Illinois Environmental Protection Agency (Agency) filed the Agency's record and a motion to file the record instanter. This petition was filed with the Board on February 15, 1990, and the Agency states that it received notice of the petition on February 16, 1990. Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Board within 14 days "upon notice of the petition". The record was therefore due to be filed on March 2, 1990.

The Agency asserts that, as the parties were engaged in settlement negotiations, the Agency did not assemble and file its record. In March 1993, however, the parties determined that settlement was not possible. At that time, the Agency discovered that a significant portion of the Agency file for Rock-ola's site was missing, and that the Agency record was therefore incomplete and could not be filed with the Board. The Agency asserts that the parties have cooperated in replacing or recreating the missing documents and that record is being submitted as quickly as possible.

The Board is concerned about the over two year delay in filing this record, especially in light of the absence of any earlier motion requesting an extension of time. However, because the Agency's record is necessary for the decision of this proceeding, the motion to allow filing of the Agency record instanter is 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 7th day of July, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board