

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 1993

ILILCO INDEPENDENT OIL COMPANY, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB 92-173  
(Underground Storage  
Fund Reimbursement  
Determination)

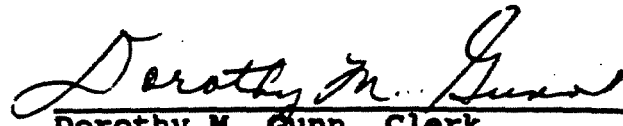
ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a December 22, 1992 motion to file the record instantner, filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on November 5, 1992, and the Agency states that it received notice of the petition on November 16, 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 30, 1992. This motion and the record were filed 36 days after the Agency received notice of petitioner's appeal, and are 22 days late.

The Board is concerned about the delay in filing this record. The Board also notes with concern 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 instantner 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 7<sup>th</sup> day of January, 1993, by a vote of 5-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0138-0291