

ILLINOIS POLLUTION CONTROL BOARD
April 23, 1992

BORDEN CHEMICALS & PLASTICS)	
OPERATING LIMITED PARTNERSHIP,)	
)	
Petitioner,)	
)	PCB 91-200
v.)	(Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	


ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on an April 16, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on October 23, 1991, and the Agency asserts that counsel for the Agency was assigned this permit appeal when he was employed on February 18, 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". This motion and the record were filed 176 days after the Agency received notice of petitioner's appeal, and is 162 days late. There is an open waiver on the decision deadline, and a hearing date has not been scheduled.

The Board is concerned about the significant delay in filing this record. 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 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 23rd day of April, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board