

ILLINOIS POLLUTION CONTROL BOARD  
May 21, 1992

BERNARD MILLER,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-49
	)	(Underground Storage Tank Fund
	)	Reimbursement Determination)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

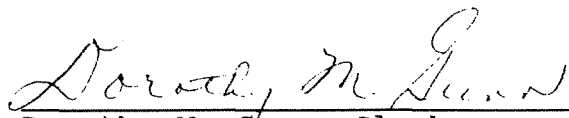
ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a May 14, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on March 30, 1992, and the Agency asserts that it received notice of the petition on March 30, 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 April 13, 1992. This motion and the record were filed 45 days after the Agency received notice of petitioner's appeal, and are 31 days late.

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. Because the Act requires the Board to consider the Agency record in making its decision, 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 21<sup>st</sup> day of May, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board