

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1992

F & R ENTERPRISES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-122
)	(Underground Storage Tank Fund
)	Reimbursement Determination)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

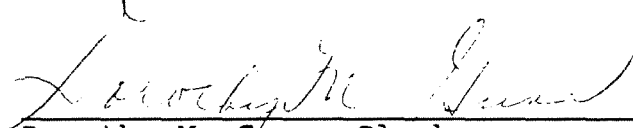
ORDER OF THE BOARD (by G.T. Girard):

This matter comes before the Board on a November 2, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on August 27, 1992, and the Agency asserts that it received notice of the petition on August 31, 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 September 14, 1992. This motion and the record were filed 63 days after the Agency received notice of petitioner's appeal, and are 49 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. However, as 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 19th day of November, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0137-0189