

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

PAULINA KERPEC TRUST, #103,)	
)	
Petitioner,)	
)	
v.)	PCB 91-232
)	(Underground Storage Tank Fund
ILLINOIS ENVIRONMENTAL)	Reimbursement Determination
PROTECTION AGENCY,)	
)	
Respondent.)	

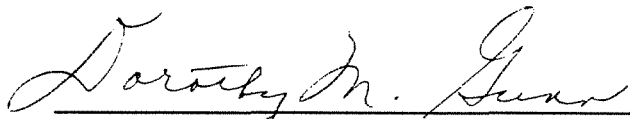
ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a March 12, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on or about November 25, 1991, and the Agency asserts that it received notice of the petition on December 2, 1991. 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 101 days after the Agency received notice of petitioner's appeal and is 87 days late. The Agency stated that it believes no prejudice has occurred to petitioner due to the delay.

Apart from the question of whether the petitioner is prejudiced the Board is concerned about the very substantial 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 26th day of the March, 1992 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board