

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

CSX TRANSPORTATION, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 92-28
)	(Underground Storage Tank Fund
ILLINOIS ENVIRONMENTAL)	Reimbursement Determination)
PROTECTION AGENCY,)	
)	
Respondent.)	

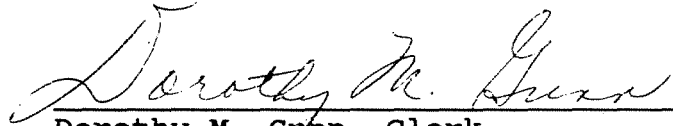
ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a March 24, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on February 18, 1992, and the Agency asserts that it received notice of the petition shortly after that date. 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 approximately 35 days after the Agency received notice of petitioner's appeal and is approximately 21 days late. The decision deadline is June 6, 1992, and the Board notes that there has been no waiver of the deadline. 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 significant delay in filing this record. This record is being filed approximately 9 weeks before the expiration of the Board's 180 decision period, and less than 30 days before the scheduled hearing date of April 21. 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 March, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board