

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

FREEMAN UNITED COAL MINING)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 94-194
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

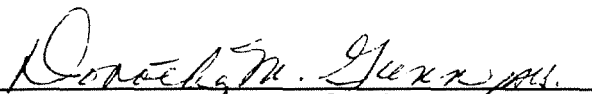
ORDER OF THE BOARD (by G. T. Girard):

This matter comes before the Board on a motion by the Illinois Environmental Protection Agency (Agency) to file the Agency recommendation instanter. This petition was filed with the Board on July 15, 1994, and the Agency asserts that it received notice of the petition on July 18, 1994. Pursuant to 35 Ill. Adm. Code 104.180(a), the Agency recommendation is to be filed with the Pollution Control Board within 30 days of the filing of the petition. The recommendation was therefore due to be filed on August 15, 1994. This motion and the record were filed 40 days after the Agency received notice of petitioner's appeal, and are 10 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. 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 1st day of September, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board