

ILLINOIS POLLUTION CONTROL BOARD  
December 17, 1992

CITY OF HIGHLAND,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-144
	)	(Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

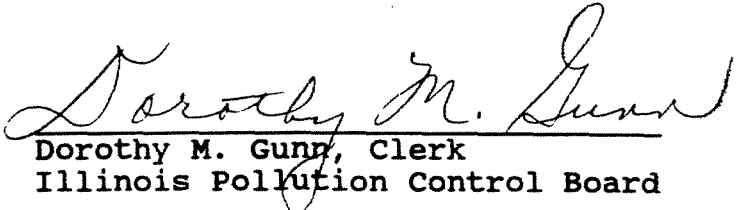
ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a December 4, 1992, motion to file the recommendation instanter filed by the Illinois Environmental Protection Agency (Agency). The petition was filed with the Board on October 7, 1992, and the Agency asserts that it received notice of the petition on October 5, 1992. Pursuant to 35 Ill. Ad. 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 November 7, 1992. This motion and the recommendation were filed 56 days after the petition was filed, and are 26 days late.

The Board is concerned about the delay in filing this recommendation. 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 recommendation in reaching its decision, the Agency's motion to allow filing of the recommendation 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 17<sup>th</sup> day of December, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0138-0135