

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1993

HEITZLER SERVICES, and)	
PEARL HEITZLER,)	
)	
Petitioners,)	
)	
v.)	PCB 93-30
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

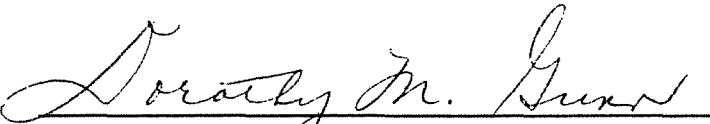
ORDER OF THE BOARD (by J. Anderson):

On March 15, 1993, the Illinois Environmental Protection Agency's (Agency) filed the Agency's record and a motion to file the record instanter. This petition was filed with the Board on February 17, 1993. The Agency states that it received notice of the petition on February 16, 1993. Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency record is to be filed with the Board within 14 days "upon notice of the petition". The record was therefore due to be filed on March 2, 1993. This motion and the record were filed 27 days after the Agency received notice of petitioner's appeal and are 13 days late.

The Board is concerned about the delay in filing this record. The Board also notes with concern the absence of any earlier motion requesting an extension of time. However, because the Agency's record is necessary for the decision of this proceeding, the 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 25th day of March, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board