

ILLINOIS POLLUTION CONTROL BOARD  
June 8, 1995

ESG WATTS, INC., an Iowa Corporation,	)	
	)	
Petitioner,	)	PCB 94-243
	)	94-306
	)	94-307
v.	)	94-308
	)	94-309
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	95-133
	)	95-134
	)	(Consolidated)
Respondent.	)	(Permit Appeals - Land)

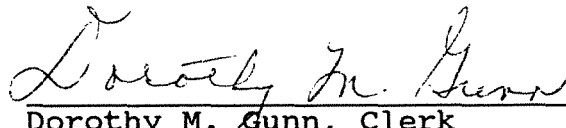
ORDER OF THE BOARD (by G. T. Girard):

This matter comes before the Board on motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency) accompanied by the Agency record in PCB 95-133 and PCB 95-134. The petitions for appeal were filed with the Board on April 18, 1995, and the Agency asserts that it received notice of the petitions on April 19, 1995. 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". The records were therefore due to be filed on May 3, 1995. This motions and the records were filed 44 days after the Agency received notice of petitioner's appeal, and the record is 30 days late.

The Agency's motion to allow filing of the Agency record instanter is hereby granted. The Board notes that all parties would be better served if in future cases the Agency would file a timely motion requesting extension of time to file the record.

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 8<sup>th</sup> day of June, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board