

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

RUSS' SERVICE AND TOWING,)	
)	
Petitioner,)	
)	
v.)	PCB 94-305
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

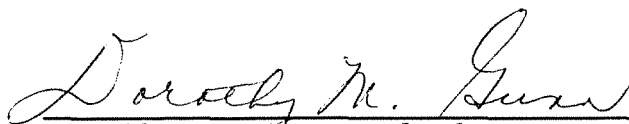
ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board on an Agency motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency) accompanied by the Agency record in this case. This petition was filed with the Board on October 21, 1994, and the Agency asserts that it received notice of the petition on October 22, 1994. 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 record was therefore due to be filed on November 5, 1994. This motion and the record were filed 52 days after the Agency received notice of petitioner's appeal, and the record is 38 days late.

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 11th day of January, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board