

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1993

TWOMEY COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-199
	)	(Underground Storage
ILLINOIS ENVIRONMENTAL	)	Fund Reimbursement
PROTECTION AGENCY,	)	Determination)
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

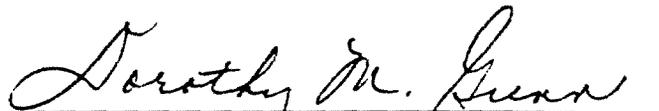
This matter is before the Board on a January 13, 1993 motion to file the record instanter, filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on December 4, 1992, and the Agency states that it received notice of the petition on December 4, 1992. Pursuant 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 December 18, 1992. This motion and the record were filed 40 days after the Agency received notice of petitioner's appeal, and are 26 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. 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.

The Board notes that Twomey Company has filed an open waiver of the decision deadline in this matter.

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 21st day of January, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0138-0503