

ILLINOIS POLLUTION CONTROL BOARD  
April 9, 1992

DYNAMIC HYDRA-BLASTING, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-30
	)	(Underground Storage
	)	Tank Fund Reimbursement
ILLINOIS ENVIRONMENTAL	)	Determination)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	


ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a March 27, 1992 motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on February 19, 1992, and the Agency asserts that it received notice of the petition on February 20, 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". This motion and the record were filed 36 days after the Agency received notice of petitioner's appeal, and is 22 days late. The decision deadline is June 18, 1992, and the Board notes that there has been no waiver of the deadline. The Agency stated that it believes no prejudice has occurred to petitioner due to the delay.

Apart from the question of whether the petitioner is prejudiced, the Board is concerned about the significant delay in filing this record. This record is being filed less than 12 weeks before the expiration of the Board's 180 decision period, and only 20 days before the scheduled hearing date of April 16, 1992. The Board also notes with concern the absence of any earlier motion requesting an extension of time. 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 9<sup>th</sup> day of April, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board