

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

WILMER BROCKMAN, JR. AND FIRST)	
MIDWEST BANK/ILLINOIS, AS)	
TRUSTEE UNDER TRUST NO. 757,)	
)	
Petitioner,)	
)	
v.)	PCB 94-207
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

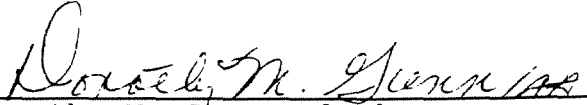
Petitioner filed a motion to stay decision on August 11, 1994. The Board notes that petitioner has received a stay in a related case before the appellate court pending the outcome of this case. (See Wilmer Brockman, Jr. and First Midwest Bank of Joliet v. IEPA and IPCB, No. 3-94-0175 (3rd Dist.) (August 22, 1994).) Therefore, the motion to stay this proceeding is denied and the Board will proceed in this matter.

On August 4, 1994 the Illinois Environmental Protection Agency (Agency) filed a motion to file the record instanter. The Board notes that this petition was filed with the Board on August 2, 1994, and the Agency asserts that it received notice of the petition on that same day. 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 August 16, 1994. This motion and the record were filed 22 days after the Agency received notice of petitioner's appeal, and are 8 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. 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 1st day of September, 1994, by a vote of 6-0.


Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board