

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1993

STATE BANK OF WHITTINGTON,)
)
 Petitioner,)
)
 v.) PCB 92-152
) (UST Fund)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

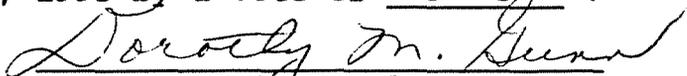
This matter is before the Board on petitioner State Bank of Whittington's motion to supplement the record filed February 16, 1993. Respondent Illinois Environmental Protection Agency (Agency) has not filed a response.

Petitioner seeks to supplement the Agency record with a cover letter dated February 12, 1992 which petitioner asserts had been submitted to the Agency prior to its decision of September 14, 1992 from which petitioner seeks review and should have been included in the record. Petitioner also seeks to supplement the record with two original photographs depicting excavation activities previously submitted to the Agency which the Agency failed to include in the record. Petitioner recognizes that photocopies of the photographs are in the Agency record but contends that the original photographs should be in the record because the photocopies are of a poor quality and the photographs are pertinent to the issue of what constitutes corrective action at the site.

The Agency has waived any objection to the motion to supplement. (35 Ill. Adm. Code 241(b).) The Board finds that the letter and photographs were submitted to the Agency prior to its rendering its final decision and should have been included in the record. The Board hereby grants the motion to supplement the record with both the cover letter and the photographs. Because the original photographs are in the Agency's possession, the Board directs the Agency to file these photographs with the Board within 14 days of the date of this order.

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 March, 1993 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0140-0029