

ILLINOIS POLLUTION CONTROL BOARD  
July 27, 1989

MARATHON PETROLEUM COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-179  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J.D. Dumelle):

On July 26, 1989, the Illinois Environmental Protection Agency (Agency) filed its Brief in this matter along with a motion to file instanter because the scheduled submission date was May 3, 1989. The Board notes that Section 101.181 of the Procedural Rules, 35 Ill. Adm. Code 101.181, states that:

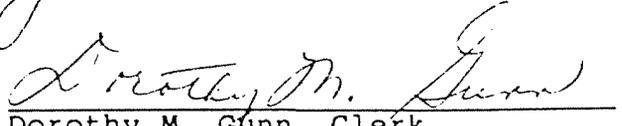
unless the Board determines that undue delay or material prejudice will result, no document received by the Clerk after 4:30 p.m. two days before a scheduled Board meeting will be placed on the agenda for that Board meeting. Any such filing will appear on the agenda for the next regularly scheduled Board meeting.

The Board believes that as a final decision is due today, failure to address this motion would cause undue delay or material prejudice. The Agency's Brief was due May 3, 1989; it was not submitted until one day before the decision deadline. The Agency's Brief is 84 days late. The Board cannot accept the Brief at this late date. The Agency's motion is denied.

The Board notes that, as a result, it has not considered the Agency's Brief whatsoever in rendering its decision on the merits of the permit appeal.

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 27<sup>th</sup> day of July, 1989 by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board