

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1993

INSPIRATION DEVELOPMENT)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 93-172
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

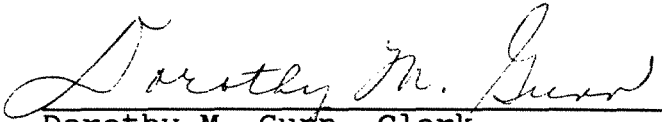
This matter is before the Board on an October 13, 1993 motion to file answer instanter, filed by the Illinois Environmental Protection Agency (Agency). That answer states that the Agency files, as its answer, the record of permit application. Thus, we construe the motion to file answer instanter as a motion for leave to file the Agency record in this matter.

This permit appeal was filed with the Board on September 13, 1993, and the Agency states that it received notice of the petition on September 14, 1993. 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 September 28, 1993. This motion and the record were filed 30 days after the Agency received notice of petitioner's appeal, and are 16 days late.

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.

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 October, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board