ILLINOIS POLLUTION CONTROL BOARD
December 17, 1992

MERCANTILE BANK OF ST. LOUIS, N.A., Personal Representative of the Estate of Ann Gudder,	)	
Petitioner,	)	
v.	)	PCB 92-125 (Underground Storage Tank Reimbursement)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

This matter is before the Board on a December 8, 1992 motion to file the record instanter, filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on August 28, 1992, and the Agency states that it received notice of the petition on September 1, 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". The record was therefore due to be filed on September 15, 1992. This motion and the record were filed 108 days after the Agency received notice of petitioner's appeal, and are 94 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. However, 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.

No substantive action has taken place in this matter. Therefore, the Board directs the parties to file a status report with the Board to be received by the Board no later than March 1, 1993.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 17th day of December, 1992, by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board