

ILLINOIS POLLUTION CONTROL BOARD  
April 22, 1993

LEGG AND SONS OIL COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 92-214  
 ) (UST Fund)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

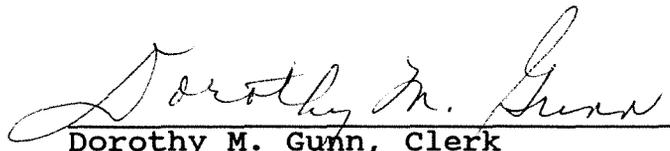
ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on an April 20, 1993 motion to file the record instanter, filed by the Illinois Environmental Protection Agency (Agency). This petition was filed with the Board on December 28, 1992, and the Agency states that it received notice of the petition on February 2, 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 February 16, 1993. This motion and the record are 61 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. Additionally, there is no explanation of the circumstances surrounding the delay between the filing of the petition with the Board, and the Agency's receipt of that petition. 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.

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 22<sup>nd</sup> day of April, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board