

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1986

JOLIET SAND AND GRAVEL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 86-159
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

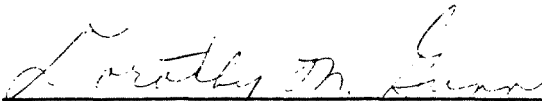
On October 28, 1986, the Agency filed a motion which in essence requests the Board to dismiss this permit appeal. Joliet filed a response in opposition on November 3. The Agency's motion is denied.

On October 23, Joliet filed a motion for sanctions premised on the Agency's failure to file its permit record on the date it was due, October 22. In its October 27 response, the Agency asserts that the filing was timely, in that it was mailed on October 22 and received by the Board on October 24. In a November 5 supplement to the motion for sanctions, Joliet additionally asserts that the record as filed was incomplete. The Agency's time for response to this motion has barely begun to run.

The motion for sanctions as it relates to the late filing of the record is denied. While the Board's Order required that the record be present and filed in the Board's Offices on October 22, the short-term non-compliance with that Order is insufficient to support entry of sanctions given a lack of showing of Agency bad faith or substantial prejudice to Joliet. The issue of incompleteness of the record as filed is not ripe for Board deliberation.

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 6th day of November, 1986, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board