

ILLINOIS POLLUTION CONTROL BOARD
May 5, 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 a May 3, 1993 motion to clarify the record, filed by petitioner Legg and Sons Oil Company (Legg).¹ Legg notes that on April 22, 1993, the Board issued an order granting the Illinois Environmental Protection Agency's (Agency) motion to file the record instanter. In that April 22 order, the Board noted that the Agency stated that the petition for review was filed on December 29, 1992, but that the Agency did not receive notice of the petition until February 2, 1993. In granting the motion to file instanter, the Board noted the significant delay in filing the record, and also noted that the Agency has not provided any explanation for the delay between the filing of the petition with the Board, and the Agency's receipt of that petition.

Legg now points out that counsel for the Agency filed an appearance in this case on January 11, 1993, so that the Agency must have received notice of the petition prior to February 2, 1993. Legg contends that the Agency's representation of the date that it received the petition has misled the Board and cast Legg and its attorneys in an unfavorable light. Thus, Legg asks that the Board amend its April 22 order to clarify this situation.

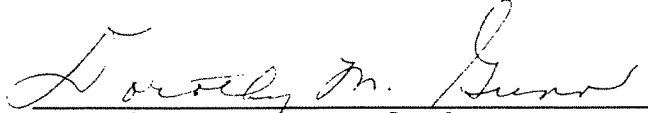
The record in this case does show that the Agency attorney filed his appearance on January 11, 1993. Thus, the Agency must have received notice of the petition prior to that date. Legg's motion to clarify the record is granted.

IT IS SO ORDERED.

¹ The Board recognizes that the response period has not yet expired, but will grant this motion without waiting for a response in order to prevent undue delay. (35 Ill. Adm. Code 101.241(b).)

0142-0035

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of May, 1993, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board