

ILLINOIS POLLUTION CONTROL BOARD  
October 29, 1992

F & R ENTERPRISES, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-122
	)	(Underground Storage
ILLINOIS ENVIRONMENTAL PROTECTION	)	Tank Fund Reimbursement
AGENCY,	)	Determination)
	)	
Respondent,	)	

ORDER OF THE BOARD (by G. T. Girard):

On October 2, 1992, the Illinois Environmental Protection Agency filed the record in this proceeding. In addition, the Agency filed a motion to file the record instanter as the record was 18 days late. The Agency's motion is granted. On October 6, 1992, the petitioner filed a motion to supplement the record. At this time the Board has not received a response from the Agency regarding the petitioner's motion ("Pet. mot.").

The petitioner maintains that the record filed on October 2, 1992 is deficient in that "copies of the twelve competitive bids received by petitioner and submitted to the Agency on May 1, 1992" are not included in the record. (Pet. mot. at 2.) In addition, the petitioner stated that correspondence between petitioner's counsel and Agency employees regarding those bids have not been included. (Pet. mot. at 2.) The petitioner requests that the Board require the Agency to file "the entire Agency record of this LUST reimbursement application, including all competitive bid information submitted to the Agency by the applicant, as well as any and all correspondence between the applicant or its representative counsel and the Agency". (Pet. mot. at 3.)

The petitioner argues that the a key issue in this reimbursement petition is the Agency's action regarding the competitive bids. Therefore such information is necessary for the Board to review the petition.

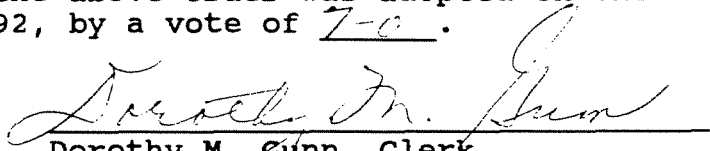
The Board's procedural rules provide that the Agency shall file the entire Agency record of the permit application, including the application, correspondence with the applicant and the denial. (35 Ill. Adm. code 105.102(a)(4)). The petitioner's motion to supplement the record is granted and the Agency is directed to file an amendment to the record which shall include all materials that were before the Agency when considering this reimbursement application. The Board notes that the hearing is

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scheduled to begin on November 30, 1992. Therefore, the amendment to the record shall be received by the Board no later than November 30, 1992.

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 24<sup>th</sup> day of June, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board