

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1993

BRAUN'S STANDARD SERVICE,)	
)	
Petitioner,)	
)	
v.)	PCB 92-184
)	(Underground Storage
ILLINOIS ENVIRONMENTAL)	Tank Reimbursement
PROTECTION AGENCY,)	Determination)
)	
Respondent.)	


ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a December 24, 1992, motion to file the record instanter filed by the Illinois Environmental Protection Agency (Agency). Petitioner's appeal of the Agency's decision was filed with the Board on November 30, 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 December 14, 1992. This motion and the record were filed 24 days after the appeal was filed, and are 10 days late.

The Board is concerned about the delay in filing this record. The Board also notes with concern the absence of any earlier motion requesting an extension of time. However, as the Act requires the Board to consider the record in reaching its decision, the Agency's motion to allow filing of the 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 7th day of January, 1993, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0303