

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1988

WASTE MANAGEMENT, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 84-45
)	84-61
ILLINOIS ENVIRONMENTAL)	84-68
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On January 20, 1987, the Environmental Protection Agency (Agency) moved to modify the Board's Order of November 26, 1984. On September 14, 1987, Waste Management, Inc. (WMI) filed its last of a number of motions requesting an extension of time to respond.

On September 17, 1987, the Board issued an Order providing that:

1. WMI's response time was extended until October 9, 1987.
2. WMI was ordered to inform the Agency by October 5, 1987 of any intention to seek additional response time.
3. Both parties were ordered to file a status report by October 9, 1987.

WMI filed its status report on October 9, 1987, stating that it intended to withdraw its RCRA Part B permit application for its ESL facility and thus the Agency's concerns in its Motion to Modify are "moot and no longer at issue".

The Agency filed its status report on October 13, 1987 stating that the ESL facility is not presently accepting "solid, special or hazardous wastes" and that it had not been notified of an extension of time to reply.

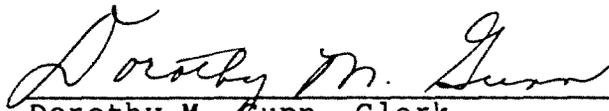
While the Board appreciates the complexities involved, it observes that WMI, in its status report, did not assert that the status report should also be construed as a response to the Agency's January 20, 1987 motion, nor has the Agency moved to dismiss that motion or otherwise reply to WMI's assertions.

This matter is in limbo, and the Board seeks a resolution. Therefore, the Board orders WMI to inform the Board whether WMI in fact has withdrawn its RCRA Part B permit application. The Board orders the Agency to inform the Board whether its motion should be dismissed for lack of outstanding issues, and if not, state its reasons therefore.

The Board orders both parties to submit their informational filings by December 12, 1988. If the parties desire, they may file a joint submittal.

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 29th day of November, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board