

ILLINOIS POLLUTION CONTROL BOARD  
April 20, 1995

RIVERSIDE LABORATORIES, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 90-165  
 ) (Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Yi):

Riverside Laboratories Inc. (Riverside) and the Illinois Environmental Protection Agency (IEPA), on October 28, 1994, filed a joint status report pursuant to the Board's order of September 15, 1994, a motion for continuance of stay and a waiver of this permit appeal decision deadline until October 6, 1995.

In the status report, Riverside states that related consolidated variance petitions are also pending before this Board in PCB 90-164 and PCB 91-161. This permit appeal and the related consolidated variance petitions all pertain to 35 Ill. Adm. Code Part 218 (Papercoating regulations) as applied to Riverside. Further, Riverside states that currently pending before the United States Environmental Protection Agency (U.S.EPA) is its request for review of the Federal Implementation Plan (FIP) for ozone which specifically challenges the papercoating limitations as applied to Riverside, and that U.S.EPA has granted Riverside a stay of enforcement of the papercoating limitations pending final review.<sup>1</sup>

On December 16, 1993 a Notice of the Proposed Rulemaking was published in the Federal Register and that the relevant public comment period ended January 18, 1994. (58 Fed. Reg. 65688 (December 16, 1993).) A public hearing was held by U.S.EPA on April 6, 1994 and the comment period was extended until May 16, 1994 at the request of Riverside. The status report states that the final rule has not been issued. Riverside and the Agency agreed that hearings in this matter should be held pending final U.S.EPA action. As of April 14, 1995, U.S. EPA has not issued a final rulemaking in this matter but anticipates that the final

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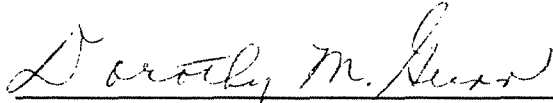
<sup>1</sup>The Board regulations at 35 Ill. Adm. Code 218.103(a)(2) stays the effectiveness of Part 218 as applied to each FIP appellant to the extent that each appellant receives a stay of the FIP from the U.S.EPA.

rule will be sent to the Administrator to be signed within the next few weeks. Both the Agency and Riverside believe that this matter should be stayed pending U.S. EPA's finalization of the FIP.

Riverside filed a Waiver of Decision Deadline and requested a stay until October 6, 1995. The Board grants a stay in this matter until June 15, 1995, which allows the Board sufficient time, if necessary, to process this case prior to the new decision deadline.<sup>2</sup> Riverside and the Agency shall file another status report, or any other appropriate motion, on or before June 8, 1995. That filing and any future requests for continuation of stay and status reports should be directed to the assigned hearing officer, with a copy being filed with the Board.

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 20<sup>th</sup> day of April, 1995, by a vote of 7-0.

  
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 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

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<sup>2</sup>Due to the regulatory notice requirements, the time required to conduct the hearing and deliberate the matter, the Board requires a 120 day period of time between the stay and the decision due date in the matter.