

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

RIVERSIDE LABORATORIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 90-164
)	PCB 91-161
ILLINOIS ENVIRONMENTAL)	(Consolidated)
PROTECTION AGENCY,)	(Variance)
)	
Respondent.)	

ORDER OF THE BOARD (by C. A. Manning):

Riverside Laboratories Inc. (Riverside), on August 26, 1994, filed a joint status report pursuant to the Board's order of April 21, 1994, a motion for continuance of stay and a waiver of this underlying variance decision deadline until April 7, 1995.

In the status report, Riverside states that a related permit appeal is pending before this Board in PCB 90-165. This consolidated variance matter and the related permit appeal all pertain to 35 Ill. Adm. Code Part 218 (Papercoating Regulations) as applied to Riverside. Further Riverside states that it has pending before the United States Environmental Protection Agency (USEPA) a request for review of the Federal Implementation Plan (FIP) for ozone that specifically challenges the papercoating limitations as applied to Riverside and that USEPA has granted Riverside a stay of enforcement of the papercoating limitations, pending final review.¹

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 USEPA on April 6, 1994 and it reopened the public comment period until May 16, 1994 at the request of Riverside. However, the status report states that the date on which the final rule will be issued is unknown. Riverside states that the Agency has agreed that the hearings in this matter should be stayed pending final USEPA action.

The Board grants a stay in this matter until November 3,

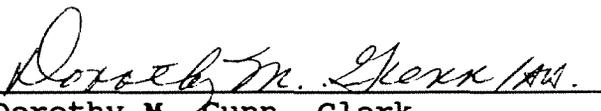
¹The Board's regulations at 35 Ill. Adm. Code 218.103(a)(2) stay the effectiveness of Part 218 as applied to each FIP appellant to the extent that each appellant receives a stay of the FIP from the USEPA.

1994, which allows the Board sufficient time, if necessary, to process this case prior to the new decision deadline.² Riverside Laboratories may petition the Board for an extension of the stay providing that an appropriate waiver of the decision deadline is also filed.

The parties are directed to file an updated status report on or before October 28, 1994.

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 1st day of September, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

²Due 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.