

ILLINOIS POLLUTION CONTROL BOARD  
June 29, 1995

RIVERSIDE LABORATORIES, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 95-157  
 ) (Variance - Air)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on "Motion for Extension of Time in Which to File Agency Recommendation" filed on June 26, 1995, by the Illinois Environmental Protection Agency (Agency). The Agency requests an extension until October 1, 1995 in which to file the recommendation.

The petition in this matter was filed with the Board on May 26, 1995. Pursuant to 35 Ill. Adm. Code 104.180 the Agency is to file a recommendation within 30 days of the filing of the petition. Therefore, the Agency was to have filed its recommendation by June 26, 1995.

The petition seeks a variance from 35 Ill. Adm. Code 218.204 as it pertains to petitioner's polyester coating lines which use acetone. The U.S. EPA has removed acetone from its list of materials considered to be volatile organic compounds. (60 Fed. Reg. 31633, June 16, 1995.) The delisting of acetone results in the issues raised in the petition being moot once the definition of volatile organic material contained in 35 Ill. Adm. Code 211.7510 is amended to exclude acetone. This definition is being amended in R95-16 In the Matter of: Exemptions from the Definition of VOM. Petitioner has filed a waiver of the statutory deadline until January 30, 1996.

The Board grants the Agency an extension until October 1, 1995 to file its recommendation. The Board also stays this matter until September 1, 1995 or until the final adoption of the amendments in R95-16, whichever occurs first. The hearing officer has previously ordered the parties to file status reports in this matter by September 1, 1995. All status reports, requests for stay or requests for extension of time to file recommendation shall in the future be directed to the hearing officer in this matter.

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 29<sup>th</sup> day of June, 1995, by a vote of 4-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board