

ILLINOIS POLLUTION CONTROL BOARD
August 26, 1993

MINNESOTA MINING AND)	
MANUFACTURING COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 91-162
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B. Forcade):

On August 2, 1993, Minnesota Mining and Manufacturing Company (3M) filed a "Status Report/Motion for Reconsideration and a Waiver of Decision Deadline". The Agency did not file a status report or a response to the motion for reconsideration.

This filing is in response to the Board's order of July 1, 1993. This order noted that 3M had requested to file an additional status report at a time when hearings should have been scheduled to meet the decision deadline. The Board also noted previous orders in which the Board had raised scheduling concerns relating to the use of limited waivers. The Board ordered the parties to file an additional status report by August 2, 1993. The Board warned that if an "open waiver" was not filed prior to the receipt of the status report, the Board may take one of the following actions at the regularly scheduled Board meeting: dismissal of the petition for want of prosecution or setting the matter for hearing in accordance with the present decision deadline despite objections from the parties.

In the status report filed on June 18, 1993, the parties reported that 3M is seeking to continue to use its present method of demonstrating capture efficiency of volatile organic materials. 3M currently has a FIP Revision Petition pending before the United States Environmental Protection Agency (USEPA) addressing the capture efficiency protocol.

3M notes that USEPA's decision seems to be forthcoming and that the Agency has indicated that it will follow USEPA's decision. 3M also notes that the issue in the variance pending before the Board may be resolved in the next several weeks.

3M requests the Board to reconsider its decision ordering 3M to file an open waiver. 3M has provided a waiver of the decision deadline until December 31, 1994.

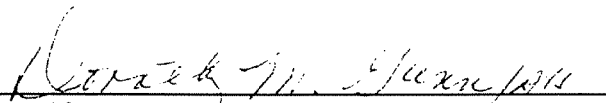
The Board grants 3M's motion for reconsideration and accepts the waiver of the decision deadline. The Board notes that the

waiver is for a sufficient period of time that no action by the Board is required at this time. However, the Board notes that if this matter is not resolved as anticipated, the parties must establish a schedule for hearings at least 120 days prior to the decision deadline.

The parties are ordered to file an additional status report with the Board on or before January 24, 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 26th day of February, 1993, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board