

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1993

CHEMICAL WASTE MANAGEMENT, INC.,)
)
 Petitioner,)
)
 v.) PCB 93-35
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

On February 19, 1993, Chemical Waste Management, Inc., (CWM) filed this permit appeal. Also on that same date, CWM filed a motion to stay the operating permit pending the resolution of this appeal. On March 5, 1993, CWM filed a motion to consolidate this proceeding with the related RCRA permit appeal in PCB 93-34. The RCRA permit and air permit cover the same facility. The sole issues presented in this appeal involve clarification that the air permit issued is effective as of February 21, 1993, and an alleged hardship which stems from CWM's related appeal in PCB 93-34. CWM states that both the air permit and RCRA permit were to have identical conditions. CWM claims that by virtue of CWM's appeal in PCB 93-34, the automatic staying of the RCRA permit and conditions would cause it to have to operate under different conditions at the same facility at the same time, i.e., operate under its previous RCRA permit and the newly issued air permit. The Agency, in its March 24, 1993 answer to the motion to consolidate, states that it has no objection to the consolidation and that the air permit did indeed become effective February 21, 1993. The Board notes the permit copy appended to CWM's petition indicates a February 21, 1993 effective date.

The Board finds that in light of today's dismissal of the RCRA permit appeal in the related PCB 93-34, the Board dismisses this matter as no issues remain. CWM has not contested this air permit or any of the conditions in this permit, the only issue being a possible inconsistency in operation related to the RCRA permit. It appears now that CWM may operate under both permits as issued.

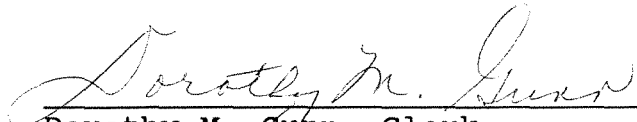
The motions to consolidate and stay are denied and this matter is hereby dismissed.

IT IS SO ORDERED.

0141-0127

Section 41 of the Environmental Protection Act, 415 ILCS 5/41 (1992), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Castenada v. Illinois Human Rights Commission (1989), 132 Ill.2d 304, 547 N.E.2d 437; Strube v. Illinois Pollution Control Board, No. 3-92-0468, slip op. at 4-5 (3d Dist. March 15, 1993).)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of April, 1993, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board