

ILLINOIS POLLUTION CONTROL BOARD  
April 22, 1993

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

ORDER OF THE BOARD (by B. Forcade):

Minnesota Mining and Manufacturing Company (3M) filed this petition for variance on September 5, 1991. The petition seeks a variance from the provisions of 35 Ill. Adm. Code 218.105(c). No substantive action has taken place on this petition. 3M is an appellant of the Federal Implementation Plan (FIP) promulgated by the United States Environmental Protection Agency (USEPA) at 55 Fed. Reg. 26814 on June 29, 1990. 3M is currently involved in negotiations with the USEPA that could impact the variance petition.

On September 26, 1991, the Board denied the Agency's motion for an extension of time to file its recommendation but noted that if a waiver of the decision deadline was filed the hearing officer could grant the extension providing that the recommendation was filed at least 90 days prior to the decision deadline. The Agency has not filed its recommendation in this matter. The decision deadline has been waived until December 1, 1993. The Board notes that it has received two letters of objection in this matter and that a hearing is required.

This a deadline case where 6 limited waivers have been submitted and 1 hearing has been cancelled. The continual filing of limited waivers and the cancellation of hearings taxes the administrative resources of the Board. Further, the cancellation of a hearing that has already been noticed in newspapers of general circulation wastes the Board's resources and misinforms the public.

To allow adequate time for the filing of briefs and Board deliberation before the deadline, the Board requires that hearings be scheduled approximately 120 days prior to the decision deadline. It is the responsibility of the petitioner to provide adequate waivers and proceed with the matter in a timely fashion, yet not to cancel hearings after notice has been published without substantial justification.

Failure to provide the Board with an adequate waiver or

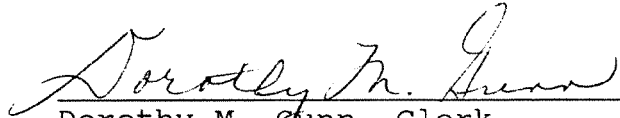
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cancellation of noticed hearings may subject this matter to dismissal for want of prosecution.

As no substantive action has taken place in this matter, the Board is instructing the parties to submit status reports. The parties are to submit status reports to the Board before June 18, 1993.

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 22<sup>nd</sup> day of April, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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