

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

BIG RIVER ZINC CORP.,)	
)	
Petitioner,)	PCB 91-61
)	(Variance)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (J. Anderson):

This matter comes before the Board on the Motion to Withdraw filed by Big River Zinc on June 28, 1991. Aside from requesting withdrawal of the petition for variance in this matter, Big River Zinc appears to request reconsideration of a portion of the Interim Opinion of the Board dated May 6, 1991 in light of its Supplemental Comments and Motion for Further Action filed June 28, 1991 in the companion docket, R91-11 (docketed as Public Comment number 6).

In our Interim Order of May 6, 1991, the Board stated as follows:

Nothing in the [opinion of the federal court in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990),] purports to affect the effectiveness of the K066 [hazardous waste] listing.


Interim Order of May 6, 1991 at 12.

Big River Zinc's Motion to Withdraw urges the Board to "at a minimum" strike this language in this Order or in R91-11. The Agency, by its IEPA Comments filed July 8, 1991, states that it does not oppose the motion to withdraw. However, the Agency states that it does not support the position of Big River Zinc with regard to the effect of the federal court opinion.

For the foregoing reasons, the Board hereby grants Big River Zinc's Motion to Withdraw. The Board hereby dismisses this proceeding. The Board will defer to docket R91-11 the issues raised with regard to reconsideration of the challenged portion of our Interim Order of May 6, 1991.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 11th day of July, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board