

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1991

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

ORDER OF THE BOARD (by J. C. Marlin):

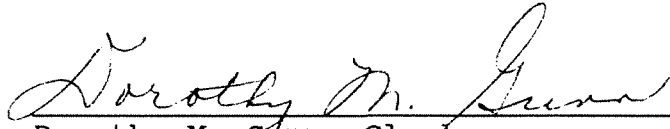
The Board notes the filing of objections to the grant of this variance on September 16 and 18. Hearing in this matter was authorized by the Board Order of September 12, 1991.

On September 23, 1991, the Agency filed a motion for extension of time in which to file its Recommendation in this variance proceeding. In support thereof, the Agency notes that petitioner seeks relief from certain of the Board's RACT rules adopted in R91-7. The Agency notes that these rules are "substantially the same" as those adopted by the USEPA in its Federal Implementation Plan (FIP) at 55 Fed. Reg. 26814, June 29, 1990. The Agency states that petitioner has appealed the FIP promulgation, and is currently negotiating its appeal with USEPA. The Agency asserts that "the results of these negotiations could significantly impact the substance and even necessity" for the relief requested here, and that negotiations are expected to conclude "within the foreseeable future." The Agency further states that petitioner has expressed no objection to the granting of this motion, and has waived the decision date in this matter.

The Board notes that hearing in this matter is presently scheduled for October 28, 1991 and that the decision deadline has not been waived; this case is due for decision on January 3, 1992. The Board will accordingly deny the Agency an extension of time. In the event a further waiver is received, however, the Hearing Officer is authorized to grant an extension of the time for the filing of the Agency's Recommendation provided that it is received no later than the 90th day prior to the Board's decision deadline. The Hearing Officer may continue the hearing in this matter consistent with the terms of the Board's September 12, 1991 Order.

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 September, 1991 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board