

ILLINOIS POLLUTION CONTROL BOARD  
AUGUST 1, 1985

ALTON PACKAGING CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-49
	)	PCB 83-55
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a July 22, 1985, motion to dismiss filed on behalf of the Illinois Environmental Protection Agency (Agency). Alton Packaging Corporation filed a response on July 29, 1985.

These matters were filed on April 13, 1983, requesting a variance from the sulfur dioxide standards (PCB 83-49) and an alternative sulfur dioxide standard (PCB 83-55), thereby invoking a stay of the then-newly adopted sulfur dioxide standards applicable to Alton's facility pursuant to Section 38 of the Environmental Protection Act and 35 Ill. Adm. Code 104.102. The Agency argues that Alton should no longer have the benefit of such stay due to its dilatory actions in these matters. The Board agrees.

On June 29, 1984, the Board entered an Order which noted no activity in PCB 83-49 since August 18, 1983, and ordered that hearing be scheduled within 30 days and held within 60 days. Otherwise, the proceeding would be subject to dismissal. On July 30, 1984, Alton moved to modify that Order to allow hearing to be held on or before October 30, 1984. Hearing was finally held on December 7, 1984, at which time Alton indicated that it would file an amendment to its petition within 30 days. No such amendment has been filed. There has also been no further activity in PCB 83-55.

The Board concludes that Alton has had sufficient time to present its case and should not be allowed to further extend the automatic stay provision by the filing of an amended petition. Alton has all but admitted that variance could not be granted based upon its present petition which invoked the stay.

Proceedings in these matters are hereby dismissed.

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 1st day of August, 1985, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board