

ILLINOIS POLLUTION CONTROL BOARD  
May 5, 1983

TARACORP, INC., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 83-43  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Anderson):

Three filings have been received regarding this March 31, 1983 appeal of the denial of six air pollution permits and one water pollution permit. On April 13, 1983 the Agency made an objection to the request contained in p. 2 of Taracorp's petition that it from time to time be allowed to amend its appeal and to add proof to the record that grant of the permits would not violate the Act. Taracorp's request is denied, as to enlarge the scope of the appeal could violate the spirit of Section 40(a) of the Act, and enlargement of the record on appeal by addition of evidence not before the Agency at the time of its decision has historically been disallowed by the Board (see cases cited in the Objection, p. 2), and is prohibited by Section 40(b) of the Act where air permits are involved.

On April 13, the Agency moved for a 2 week extension of time for the filing of its record, and on April 28 for an indefinite stay of the time. In support of the latter, the Agency asserts that Taracorp, having filed an indefinite waiver of the decision period, has no objection to a stay during which settlement negotiations would take place. However, Taracorp would wish to have the right to terminate the stay by requesting that the record be filed upon 14 day notice to the Agency and the Board.

In the interests of effective docket control, the Board declines to grant stay of indeterminate duration, or to allow a stay to be dissolved by a party's unilateral action. The Agency's motion for extension of time and for stay are granted through July 8, 1983. If and when Taracorp wishes to have the stay dissolved so that its action may proceed at an earlier date, it should so move the Board.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5<sup>th</sup> day of May, 1983 by a vote of 4-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board