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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ALTON PACKAGING CORPORATION, Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	PCB 85-145

N O T I C E

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PLEASE TAKE NOTICE that I have today filed with the Clerk of the Illinois Pollution Control Board Petitioner's Brief, a copy of which is attached hereto and is herewith served upon you.

ALTON PACKAGING CORPORATION

By _____
One of Its Attorneys

Dated: March 7, 1986

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BEFORE THE POLLUTION CONTROL BOARD
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ALTON PACKAGING CORPORATION, Petitioner,	)	
v.	)	PCB 85-145
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

PETITIONER'S BRIEF

This matter arises from a denial of an operating permit by the Illinois Environmental Protection Agency ("IEPA"). The permit application was filed by the Alton Packaging Corporation ("Alton") to operate two boilers (Boilers 6 and 7) at its plant in Alton, Illinois ("the Alton Plant"). Alton believes that the IEPA improperly denied the permit. This Brief will attempt to summarize the record and evidence to support Alton's position.

THE ALTON MILL AND THE BOILERS

Alton is a fully integrated company in the pulp and paper industry engaged in the manufacture and sale of paperboard and paperboard packaging products with headquarters in Alton, Illinois. As a part of its operation, Alton operates the Alton Mill. The Alton Mill is one of Alton's largest paperboard mills and is located in Alton, Illinois, on the Mississippi River immediately below Alton Lock and Dam No. 26. The Alton Mill employs about 350 people and produces

approximately 600 tons of paperboard per day, which product is converted into paperboard manufacturing products for corrugated shipping containers.

In the production of the paperboard products at the Alton Mill, steam is required for heating and process use. There are five boilers at the Alton Mill, but only two - Boilers No. 6 and 7 - are the subject of this permit appeal. Boilers No. 6 and 7 are pulverized coal burning, wet bottom boilers, which vent their emission through separate 192 foot stacks. The exhaust air from the boilers passes through mechanical collectors (multi-clones) and then through electrostatic precipitators, which have a collection efficiency in the range of 99%. There is no control device to deal with SO_2 emissions. When needed, low sulfur coal was burned to comply with applicable emission limits for SO_2.

PERMIT HISTORY

The IEPA record filed with the Board (and made part of the hearing record in this matter, Tr. 15-16) contains the documentation of the recent permit history concerning Boilers No. 6 and 7 at the Alton Mill. Chronologically, the IEPA record shows that the following occurred:

December 21, 1978 -

Renewal application was filed with the IEPA for Plant #10, which included Boilers No. 6 and 7. The prior permit was to expire on March 29, 1979.

March 23, 1979 -

IEPA issued a permit to Alton pursuant to the application filed on December 21, 1978. The expiration date of the permit was March 23, 1981.

December 25, 1980* -

Renewal application was filed with the IEPA for Plant #10.

January 14, 1981 -

IEPA issued a permit to Alton pursuant to the application filed on December 25, 1980. The expiration date of the permit was March 23, 1983.

January 21, 1983 -

Renewal application was filed with the IEPA for Plant #10.

July 1, 1983 -

Alton waived the 90-day period for a decision on the permit application until the Board "issues a final order in PCB 83-55."

August 27, 1986 -

IEPA denied Alton's permit application on the following specific grounds:

> "1. Based upon information submitted to the Agency, Boilers 6 and 7 presently emit sulfur dioxide at the average rate of 4.9 lbs per million btu, an amount in excess of the applicable emission limit of 1.8 lbs per million btu of 35 Ill. Adm. Code 214.141.

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*This renewal application does not appear in the Agency record but is referred to in the permit grant letter.

2. The Agency's ambient SO_2 monitor in Alton recorded a violation of the primary 24 hour SO_2 standard during 1984. Based upon a recent study performed by the Agency, Boilers 6 and 7 appear to have been the major contributor to this violation. Boilers 6 and 7 thus may cause violations of 35 Ill. Adm. Code 201.141 and 243.122(a)(2)."

It is the permit denial on August 27, 1985 that forms the basis of this appeal to the Board.

THE BASES FOR THE DENIAL

1. The Emission Limitation

One of the grounds on which the IEPA denied the permit was that the emissions for the boilers at the Alton Mill exceeded the alleged applicable emission limit of 1.8 lbs/mm BTU. The basis of the IEPA's contention that the "1.8 lb" rule applied was that the provisions of 35 Ill. Adm. Code 214.141 applied. However, it was Alton's contention that the emission limitation did not apply because Alton had filed a Petition for Variance (PCB 83-49) within twenty days after the effective date of the regulation which established the emission limitation under Section 38(b) of the Act, said Petition acting as a stay of the applicability of the regulation; thus, the emission limitation did not apply to the Alton Mill's boilers.

However, it was the IEPA's contention that Alton's position was incorrect. In an order dated August 1, 1985, the Board dismissed Alton's Petition for Variance. The IEPA contended that since the Petition was dismissed, the stay mandated by Section 38(b) no longer was in effect. Alton

disagreed with this position. (See Alton's Motion for Stay in PCB 83-49 and PCB 83-55) Alton's position was that there was an automatic stay of the applicability of the regulation because Alton appealed the Board's decision in PCB 83-49 to the Appellate Court. This was the position taken at the hearing in this matter.

Since the hearing, the Appellate Court has granted Alton's Motion to Stay the applicability of the emission limitations pending review by that Court. A copy of Alton's motion and the Court's order are attached. The effect of the Appellate Court's order (dated February 6, 1986) is to stay the applicability of the emission limitation; thus, the first ground for the IEPA's denial of Alton's permit herein is no longer valid. The IEPA agrees with this position.

2. The Alleged Air Quality Violations

The second ground on which the IEPA denied the permit was that the IEPA recorded an excursion of the 24 hour ambient air quality standard in November of 1984. In its denial letter the Agency concluded that the Alton Mill's boilers "may cause violations" of the ambient air quality standards. Alton disagrees with the IEPA's conclusions.

A. The Air Quality "Excursions"

The IEPA recorded two, 24 hour excursions of the ambient air quality standard for SO_2 in November of 1984. The first occurred between November 6 and 7 During that period, the SO_2 concentration was found

to be .148 ppm. The second occurred between November 25 and 26. During that period, the SO_2 concentration was found to be .262 ppm. For purposes of reference, the 24 hour ambient air quality standard for SO_2 is .14 ppm, which the IEPA testified meant 1.45 ppm or less. (Tr. 34) These were the only "excursions" in the IEPA record, even though the IEPA presumably monitors for SO_2 in the atmosphere on a regular basis.*

B. Incomplete IEPA Record

Alton believes that the IEPA's reliance on its reports concerning the excursions is misplaced. Had Alton been given the opportunity to respond to the IEPA studies, Alton believes that the IEPA would have found differently than it did - however, we will never know because Alton was not given the information necessary to respond to the IEPA reports and the IEPA record demonstrates this.

The modelling analysis which had concluded that the "likely cause of the excursions" in November 1984 was submitted to Alton in a letter dated July 22, 1985. That letter also requested that Alton submit a response in writing within fifteen days of receipt of the letter. (Exhibit 4, IEPA record) In a letter dated August 6, 1985, Alton did respond and requested specific information

*To have an alleged violation of the ambient air quality standards then must be at least two excursions in a 30-day period.

tion (e.g. SO_2 emission sources, meteorological data, etc.) from the IEPA. Alton concluded its letter as follows:

> "At this time we do not have sufficient information to draw any final conclusions."

The IEPA did not provide Alton with any of the requested data even though the IEPA was the only group which had the required data under its control. Based on this record, which is the IEPA's official record, Alton was not given the opportunity to respond to the IEPA's conclusions. For the Board to properly review this matter and for Alton to be afforded due process of law, Alton should have been given the data it requested so that it could have participated in the review process with the IEPA. The IEPA's failure to afford Alton with the proper data and information, and therefore the ability to respond, is, in and of itself, grounds for reversal of the IEPA's denial and remanding this matter to the IEPA for reconsideration after giving Alton the opportunity to respond to the IEPA's conclusions. As the record now stands before the Board, it contains only one side of the story and should raise the question of whether the IEPA had something to be concerned about!

C. <u>The November 5 and 6 SO_2 Level Was Not An Excursion</u>

The alleged excursion on November 5 - 6 was found to be .148 ppm and the 24 hour ambient air quality standard is .14 ppm. As Mr. Kolaz of the IEPA testified:

". . . the earliest level at which a standard would be exceeded would be .145 parts per million, and that is because that would be rounded up to .150.

In other words the standard itself is written as .14 parts per million implies two significant digits of accuracy." (Tr. 34-35)

Thus, any reading below .145 ppm would not be considered an excursion.

In this matter, Mr. Kolaz further testified that the test procedure had a range of accuracy. He concluded that it was 95% probable that the data (the .148 ppm) would "range anywhere from minus 9% low . . . to approximately 5% overestimating the concentration." (Tr. 31) This means that the .148 ppm could be high by 5%. If it was, and the testimony is that it could well be, then the reading would be .007 ppm less, or .141 ppm. This number is less than the .145 ppm which would be considered the lowest level of an excursion.

To base a permit denial on such a tenuous and de minimis number would not seem proper under the Act and the regulations.

D. The November 5 - 6 SO_2 Level May Have Been Lower

One of the ways which the IEPA tried to determine if the monitored SO_2 values were correct was by a precision check. This was done because the sampler, or monitor would tend to drift one way or another. In this instance, precision checks were done from time to

time on the monitoring station in Alton where the alleged excursions occurred. In most instances the precision check showed that the drift of the sampler was such that the results found were actually lower than the true value. However, on the last precision check before the November 5 - 6 date the sample was 5.5% higher than what was the real value. (Tr. 47-48) Mr. Kolaz attempted to explain this as an anamoly, but that just doesn't seem adequate. Indeed, the only evidence in this record is that the IEPA's own precision check done before the November 5 - 6 date showed the readings to be higher. This puts the IEPA's November 5 - 6 data in serious question, particularly since the test results could vary up to 5%. As was stated before, if the November 5 - 6 data was reduced by 5%, there would have been no excursion on that date from the 24 hour ambient air quality standard.

E. The Predictability of the IEPA Study

Alton believes that the data in the IEPA record do not demonstrate that there was a violation of the 24 hour ambient air quality standard in November of 1984. However, even assuming the data are accurate, the IEPA record does not contain sufficient evidence to deny a permit based on those data.

It is Alton's position that if the IEPA wishes to deny a permit based on excursions of the ambient air

quality standard, it must not only demonstrate that an excursion occurred, but that it will occur in the future as a result of the operations of the facility for which a permit is sought. The IEPA did not do that in this case.

Once the excursions were determined, the IEPA commissioned a modelling study apparently to determine what the cause of the excursions were. This study is contained in the IEPA record. (See Exhibit, IEPA record) This was the only report done concerning the excursions by the IEPA (Tr. 19) The purpose of the study was not to be predictive. Mr. Shrock, the IEPA person who did the study, answered as follows:

> "Q. Was it the purpose of the report to do any predicting as to what levels of emission the boilers at Alton would operate that would cause or would interfere with the attainment or maintenance of Air Quality Standards, Ambient Air Quality Standard.
>
> A. No." (Tr. 19)

Thus, without any predictive study, the IEPA could not have determined whether the operation of the boilers at the Alton Mill would in the future cause air quality problems.

In fact, in the predictive aspect of the study done by the IEPA the modelling results did not even predict an excursion. (Tr. 69)

CONCLUSION

It is apparent that the IEPA record does not support a denial of the permit. Alton, therefore, believes that the Board should reverse the permit denial and remand this matter to the IEPA with a mandate to issue the permit to Alton.

ALTON PACKAGING CORPORATION

By _____
One of Its Attorneys

Dated: March 7, 1986

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IN THE ILLINOIS APPELLATE COURT
FIFTH DISTRICT

ALTON PACKAGING CORP., Petitioner, vs. ILLINOIS POLLUTION CONTROL BOARD, and ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondents.	NO. 5-85-0659 Appeal From The Illinois Pollution Control Board PCB 83-49 and 83-55

MOTION TO STAY

NOW COMES the Petitioner, ALTON PACKAGING CORP., ("ALTON"), by its attorneys, Richard J. Kissel, Jeffrey C. Fort, and Daniel F. O'Connell, of MARTIN, CRAIG, CHESTER & SONNENSCHEIN, and moves this Court, pursuant to Section 38 of the Illinois Environmental Protection Act ("Act") 35 Ill. Adm. Code Section 104.102 and Illinois Supreme Court Rule 335(g)(Ill. Rev. Stat. Ch. 110A, par. 335(g) (1983)), to stay the Pollution Control Board's ("Board") August 1, 1985, Order dismissing Alton's Variance and Site Specific Rule Change Petitions, and the Board's September 20, 1985, Order denying Alton's Motion for Reconsideration and to Vacate Dismissal. Alton is requesting that the Court grant this Stay pending final resolution of Alton's Appeal of those Orders which was filed with the Clerk of this Court, Fifth District, on October 1, 1985. In support of its Petition, Alton states as follows:

ATTACHMENT

A. Motion Before Board

1. Alton first requested a stay from the Board pending resolution of this appeal; the Agency filed a response; and the Board in an Order dated November 7, 1985, refused to grant such a stay. A copy of Alton's Motion, the Agency's Response and Order of the Board are contained in the Short Record which has been filed with this Motion.

B. Automatic Stay

2. unlike the usual party appealing from an administrative decision, who may only seek a stay of an administrative order pursuant to Illinois Supreme Court Rule 335(g), Alton is entitled to a stay of the effect of the Board's decision, as a matter of right, pursuant to the Board's own regulations (35 Ill. Adm. Code §104.102) and Section 38 of the Act, Ill. Rev. Stat. Ch. 111 1/2, par. 1038 (1983).

3. In its Petitions for variance and site specific rule change, Alton seeks relief from the 1.8 pounds per million BTU limitation on sulfur dioxide emissions which the Board originally adopted as Board Rule 204 (f) of Chapter 2 of the Board's Air Pollution Control Rules and Regulations in R80-22. Alton filed its Petition within twenty (20) days of the effective date of the rule and, therefore, pursuant to 35 Ill. Adm. Code §104.102, the effectiveness of this new regulation is stayed pending final resolution of Alton's variance petition. Even though the Board erroneously dismissed Alton's Petition on August 1, 1985 on

procedural grounds, it did not reach the merits of Alton's petition, in any event, neither this dismissal nor the Board's subsequent September 20, 1985 Order denying Alton's Motion for Reconsideration are final dispositions of Alton's Petitions until Alton's appeal from those orders is decided by this Court.

4. The above-cited Board regulation and Section 38 of the Act both provide for stay of a new regulation pending resolution of a timely filed variance petition. These measures were enacted to alleviate the hardship imposed on an individual source where a new regulation enacted by the Board after consideration of the characteristics of the general regulated industry or category, would impose an arbitrary and unreasonable burden on the particular source. The intent of the Board rule and the Section of the Act cited is to maintain the status quo as it existed before the enactment of the new regulation until a final determination is made as to whether or not a source is entitled to a variance from the rule, i.e. whether the regulation is arbitrary and unreasonable as applied to the specific source. By preserving the status quo ante, the automatic stay provisions ensure procedural fairness to the regulated community pending resolution of claims that certain general rules should not apply in specific cases. Without such a rule, a source such as Alton, which is subject to a new regulation would be forced to comply, since pending the determination of whether or not the source could eventually establish its right to be exempt

from a regulation, it would be subject to enforcement actions and compliance orders which could be ignored only at the risk of potentially ruinous cumulative penalties or a potential shut-down order.

5. This automatic stay provision serves a dual purpose. On the one hand, it prevents the imposition of unreasonable burdens on particular sources with no corresponding benefit to the environment. On the other hand, the automatic stay provision, together with provisions for variances and site specific rule changes, preserve the Board's general regulations from possible invalidation based on claims that they impose arbitrary burdens on particular regulated sources.

6. The Board has never properly ruled on the merits of Alton's Petitions. Instead, in an unprecedented action, it dismissed Alton's Petitions without warning because of what it perceived to be unreasonable delay on Alton's part. At the very least, as will be discussed below, the validity of the Board's precipitous action is open to substantial doubt. Alton intends to vigorously pursue its appeal before this Court and obtain an Order remanding these petitions to the Board for a hearing on the merits. As will be discussed below, Alton has demonstrated a strong likelihood that it will be successful on the merits of its appeal and that it will suffer irreparable harm prior to this proceeding being remanded by this Court to the Board for hearing on the merits of Alton's petitions. Therefore, Alton is entitled under the Board rule and under the Act to an automatic stay until the Appellate Court can rule on Alton's appeal. Compare, Borg-Warner v. Mauzy, 100 Ill.

App. 3d 862, 417 N.E. 2d 416 (1981), where the Appellate Court found that the provisions of Borg-Warner's permit remained in force, pursuant to section 16(b) of the Administrative Procedure Act (Ill. Rev. Stat., §1016(b) (1983), pending final resolution of Borg-Warner's permit appeal before the Court.

C. Discretionary Stay

7. In the alternative, should this Court fail to recognize the effect of the automatic stay provision in the Board's regulations and in the Act, ALTON respectfully petitions this Court to grant it a stay in the interest of fairness and the preservation of scarce resources of the administrative agencies involved and those of the Petitioner.

8. A motion for a stay of an administrative decision is addressed to the discretion of the Court. People ex rel. Carpentier v. Goers, 20 Ill. 2d 272, 170 N.E.2d 159 (1960). The decision to grant a stay is to be based on general equitable principles. Cahokia Sportservice,Inc. v. Illinois Liquor Control Comm., 32 Ill.' pp. 3d 801,336 N.E. 2d 276 (1975). Illinois Supreme Court Rule 335 (g) directs that a motion for a discretionary stay be made first before the administratove body itself and then be renewed before the Appellate Court if the Agency denies a stay. Ill. Rev. Stat. Ch. 110A, par. 335(g) (1983); see also §3-111 of the Code of Civil Procedure, Ill. Rev. Stat. Ch. 110,par. 3-111 (1983), (Circuit Court may stay administrative decision pending review where good cause is shown). Such a discretionary stay is proper where the appellant has shown a likelihood of prevailing on the merits of his appeal, (Coordinating Comm. of Mechanical Specialty Contractors Assoc. v. O'Connor, 92 Ill. App. 3d 318,320-21,416 N.E. 2d 42 (1981), or where the appellant will suffer irreparable harm

f the stay is not granted. Cahokia Sportservice, Inc., v. Illinois Liquor Control Comm., 32 Ill. App. 3d 801, 336 N.E.2d 276 (1975).

9. Alton has demonstrated a strong likelihood of success on the merits of its appeal, even though it only required under Rule 335(g) to raise a final question as to the existence of its right to a reversal and lead the Court to believe it is probably entitled to the relief prayed for, if the proof sustains its allegations. Coordinating Comm. of Mechanical Specialty Contractors Assoc. v. O'Connor, 92 Ill. App. 3d 318, 321, 416 N.E.2d 42 (1981). The record also shows that Alton will suffer irreparable harm in being exposed to a permit denial and a threatened enforcement action during the pendency of its appeal if the stay is not granted.

10. Alton has shown a substantial likelihood of success on the merits of its appeal; in its Motion for Reconsideration and to Vacate Dismissal, Alton demonstrated the Board's August 1, 1985, dismissal order was a violation of the Board's own procedural rules (See, 35 Ill. Adm. Code §103.220) and was a gross abuse of discretion under the standards established by the courts of this state. The arguments contained in this Motion are incorporated by reference. As pointed out in Alton's earlier Motion, the Board's action in this case was a clear departure from its previous precedent. The proper procedure under the Board's regulations (35 Ill. Adm. Code, §103.220) if it thought Alton perceived unnecessary delay would have been to order Alton to amend its Petition and to proceed to hearing by a specified date. See, Environmental Protection Agency v. Marblehead Lime Co., 12 PCB Op. 317 (1974). This is all the

Board is empowered to do under the above-cited regulation. Neither the Agency in its Motion to Dismiss, nor the Board, in either of its orders, cites either regulations or precedent giving the Board the additional power to dismiss a petition other than for failure to proceed as ordered by the Board.

11. In addition, Alton has demonstrated in its Motion for Reconsideration that it will succeed on the merits of its appeal on the bais that the Board's dismissal was gross abuse of discretion. As argued above, the Board's action was a radical departure from the Board's previous procedure. Alton, like any other party before an administrative tribunal, is entitled to notice of the rules under which the administrative proceedings are conducted and the consequences of failure to adhere tothose rules. Of course, it is clear that there is no evidence in the record that Alton violated any rule or order of this Board. As a general rule, this Board should not summarily dismiss any petition where it appears that a full evidentary hearing is necessary to determine whether the Petitioner is entitled to the relief it is seeking. See, Robert E. Nilles, Inc., v. Illinois Pollution Control Board, 17 Ill. App. 3d 90, 308 N.E.2d 640 (1974); Material Service Corp. v. Pollution Control Board, 41 Ill. App. 3d 192, 354 N.E.2d 37 (1976). The Board's decision in this case is clearly an abuse of discretion under

the standards established by the Appellate Court. In Re Marriage of Hanlon, 83 Ill. App. 3d 629, 632, 404, N.E. 2d 873 (1980); Crawford v. Crawford, 39 Ill. App. 3d 457, 463, 350 N.E. 2d 103 (1976); Polowick v. Meredith Construction Co., 29 Ill. App. 3d 1092, 1097, 332 N.E. 2d 17 (1975). Although it has been generally held that the determination of whether or not to dismiss action because the plaintiff or petitioner has failed to prosecute such an action diligently, the Appellate Court has repeatedly held that it is an abuse of discretion to dismiss an action unless the record clearly shows that the petitioner or the plaintiff has been guilty of inexcusable delay in prosecuting its suit. The record before the Board contained no such evidence.

12. In addition, ALTON has shown that it has substantial likelihood of succeeding on the merits of this appeal because it will demonstrate that the Board abused its discretion when it refused to vacate its earlier dismissal order. Even where the Appellate Court has upheld a trial court's initial decision to dismiss an action for failure to prosecute diligently, it has found that the trial court abused its discretion by failing to vacate such a dismissal where the plaintiff had given a satisfactory explanation of delay, had not shown an intentional disregard of the directions of the court and where it did not appear that a further postponement for a determination of the merits would result in prejudicial hardship to the parties. See, Sherman v. Sherman, 74 Ill. App. 3d

451, 393 N.E.2d 67 (1979); Polowick v. Meredith Construction Co., 29 Ill. App. 3d 1092, 332 N.E.2d 17 (1975); Geraty v. Carbona Co., 16 Ill. App. 3d 702, 306 N.E.2d 544 (1973).

13. The record also shows that Alton will suffer irreparable harm if this stay is not granted. The present uncertainty concerning the compliance status of Alton's emissions is already spawning unnecessary litigation between the parties. The Illinois Environmental Protection Agency has stated that it may seek to pursue enforcement action against Alton for operating its plant above the 1.8 pounds per million BTU sulfur dioxide limit or for operating its plant without a valid air permit. It should be noted in this context that the Agency has, in response to this Board's Order of Dismissal, denied Alton's application to renew its air permit for the Alton Mill Plant because the sulfur dioxide emissions at the mill exceed 1.8 pounds per million BTU. Alton merely seeks to preserve the status quo until it can obtain relief from this Court and obtain a ruling on the merits of its variance and cite specific rule change petitions. Failure to grant this stay will, in effect, deny Alton the right to a meaningful appeal.

WHEREFORE, for the above-stated reasons and those set forth in Alton's Motion for Reconsideration and to Vacate Dismissal, the Petitioner, ALTON PACKAGING CORPORATION, respectfully requests that this Court stay its August 1, 1985 and September 20, 1985 Orders pending resolution of Alton's appeal to this Court.

Respectfully submitted,

ALTON PACKAGING CORPORATION

By: Daniel F. O'Connell
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NO. 5-85-0659

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

ALTON PACKAGING CORP.,	)	Petition for Review of the
	)	Order of the Illinois
Petitioner,	)	Pollution Control Board.
	)	
vs.	)	
	)	PCB Nos. 83-49
ILLINOIS POLLUTION CONTROL BOARD and ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	and 83-55
	)	
Respondent.	)	

O R D E R

This cause considered on petitioner's motion to stay, respondent's motion for extension of time to file objection and on respondent's objection to motion for stay, the court being fully advised in the premises;

IT IS THEREFORE ORDERED that respondent's motion for extension of time to file objection to motion for stay should be and is hereby GRANTED.

IT IS ALSO ORDERED that petitioner's motion for a stay should be and is hereby GRANTED.

CERTIFICATE OF SERVICE

I, Linda B. Milewski, being first duly sworn on oath, depose and state that I served the foregoing Notice and Petitioner's Brief upon the persons to whom it is directed by placing a copy in an envelope, properly addressed, and sending it by first class mail, postage prepaid, from 115 South LaSalle Street, Chicago, IL 60603 on March 7, 1986.

Linda B. Milewski

Subscribed and sworn to before
me this 7th day of March, 1986.

Notary Public