

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1981

OUTBOARD MARINE CORP.,)
)
) Petitioner,)
)
) v.) PCB 81-170
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On October 28, 1981 Outboard Marine Corp. filed a motion to stay certain conditions in NPDES Permit No. IL0002267, which is the subject of this appeal. On November 9, 1981 the Agency filed an opposition to the motion.

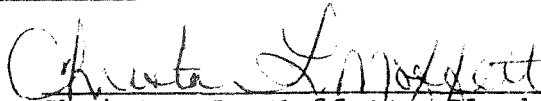
During the pendency of the appeal of the above numbered permit, the prior permit remains in effect Borg-Warner Corp. v. Mauzy et al., No. 81-13, slip.op. at 12-13 (3rd Dist. App., October 8, 1981), Alburn, Inc. v. IEPA, PCB 81-23, 24 (March 19, 1981), Dean Foods v. IEPA, PCB 81-151 (November 5, 1981). The motion for stay is accordingly denied as unnecessary.

The Board notes that a Circuit Court Order has been entered which apparently holds the statutory 90 day decision deadline applicable to appeals of NPDES permit conditions Illinois Power Co. v. IPCB, No. 80 MR 254 (Madison County Circuit Court, October 30, 1981). Appellate review of this Order has been sought. However, under that Order decision in this matter would be due January 21, 1982.

To protect all parties' rights to make a full record in this action and to receive a decision on its merits, unless this decision date is waived, the Board directs that hearing shall be scheduled within 15 days and held within 45 days of the date of this Order.

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 19th day of November, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board