ILLINOIS POLLUTION CONTROL BOARD
December 7, 1995

SHEREX CHEMICAL CO., INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 91-202
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by E. Dunham):

On November 20, 1995, Sherex Chemical Co. (Sherex) filed a status report pursuant to a Board order. Sherex also filed a waiver of the decision deadline through and including April 21, 1996. The Illinois Environmental Protection Agency (Agency) has not filed a status report in this matter as directed by the Board's order.

This permit appeal was filed on October 24, 1991. In a June 16, 1994 letter to the Agency, Sherex withdrew the RCRA Part B application. Sherex indicates that the Agency has requested additional information to support the withdrawal. Sherex provided documentation to the Agency in April and September of 1995 but has not received a reply from the Agency. Sherex indicates that it will withdraw its appeal upon successful withdrawal of the RCRA Part B application.

Absent an additional waiver, the Board must decide this matter based on the record at its April 18, 1996 meeting. The Board orders the parties to file status reports or a joint status report with the Board on or before March 25, 1996.

The Board notes that the Agency has not filed any status report in this matter since the substitution of appearance in 1992. Continued failure of the Agency to apprise the Board of their status in this matter, whether individually or by joint status report, will subject the Agency to sanctions.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of December, 1995, by a vote of 5-1.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board