

conditions.” Community Landfill, PCB 01-48, PCB 01-49 (consol.), slip op. at 4 (granting stay of challenged permit conditions).

In deciding whether to grant a discretionary stay, the Board may consider various factors, such as the avoidance of irreparable harm to the petitioner, as well as “the likelihood of environmental harm if a stay is granted.” Community Landfill, PCB 01-48, PCB 01-49 (consol.), slip op. at 4, citing Motor Oils Refining Co. v. IEPA, PCB 89-116, slip op. at 2 (Aug. 31, 1989).

Petitioner argues that it will be irreparably harmed if the petitioner is required to comply with the manganese and sulfate limits in the renewed permit.

The Board takes into account the representations of petitioner, and the absence of any Agency response to the motion. Exercising its discretion, the Board grants a stay of the manganese and sulfate limits stated in the NPDES permit. By this ruling, the Board “makes no findings on the merits of the permit appeal” Motor Oils, PCB 89-116, slip op. at 2. The partial stay remains in effect until the Board takes final action in this appeal or the Board orders otherwise.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 19, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board