

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1996

ALLIED TUBE & CONDUIT CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 96-108
)	(Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

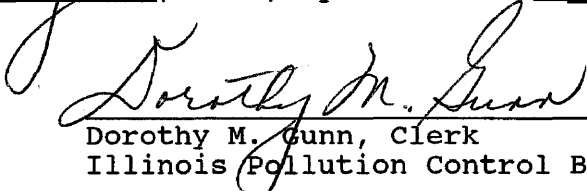
On November 16, 1995, Allied Tube & Conduit Corporation (Allied Tube) filed a petition for permit review regarding its facility located in Harvey, Illinois. Included in its permit appeal was a request that the Board stay the challenged terms of the permit. This is a new permit, so that the automatic stay for renewal permits provided by Section 16(b) of the APA (5 ILCS 100/10-65(b) (1993)) does not apply. The Board in its December 7, 1995 order accepting this matter for hearing directed the Illinois Environmental Protection Agency (Agency) to respond to the request for stay within 14 days. However, the Agency has not filed a response to the request for stay.

Pursuant to the Board's procedural rule at 35 Ill. Adm. Code 101.241(b), a party that fails to respond to a motion is deemed to have waived objection to the grant of the motion. However, such waiver does not bind the Board in its decision of the motion. (35 Ill. Adm. Code 101.241(b).)

Allied Tube has presented no argument or information which support granting a stay in this matter. Accordingly, Allied Tube's motion for stay is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of January, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board