

ILLINOIS POLLUTION CONTROL BOARD
January 25, 1990

IBP, INC.,)
)
Petitioner,)
)
v.) PCB 88-98
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

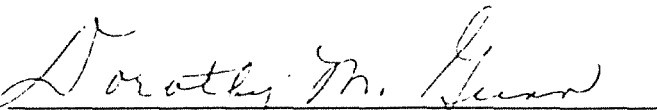
ORDER OF THE BOARD (by B. Forcade):

On December 28, 1989, IBP, Inc., filed a Motion for Stay. On January 11, 1989, the Illinois Environmental Protection Agency ("Agency") filed a Response to the Motion and a Motion to File Instanter. The motion by IBP was filed on December 28, 1989. Pursuant to 35 Ill. Adm Code 101.109 and 103.140(c), the response was due 7 days later: on January 4, 1990. The Agency filed its response on January 11, 1990. The Agency attorney states that the reasons for the delay were the press of other business since January 3, 1990, and the Agency filing got mixed in with other mail on the attorney's desk. The Agency motion to file instanter is denied. The Board has not considered the response in today's action.

The Board issued a final decision on this matter on September 13, 1989. On November 15, 1989, in response to a motion for reconsideration, the Board reaffirmed that decision. On December 19, 1989, IBP filed an appeal in the Third District. The Board has rendered its final decision in this matter. The Board believes a stay should not be granted. Any motions to stay the impact of that decision should be directed to the Appellate Court. The motion to 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 25th day of January, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board