

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

WESTERN LION LIMITED,)	
)	
Petitioner,)	
)	
v.)	PCB 94-332
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board pursuant to a request from the parties to enter a scheduling order in this case. On November 22, 1994, Western Lion Limited (Western Lion) filed a petition for a permit review with the Board and on January 18, 1995, the Illinois Environmental Protection Agency (Agency) filed a motion for summary judgment. Thereafter, in the response to the motion for summary judgment, Western Lion has proposed the following scheduling order and states that the Agency has reviewed and is in agreement with the schedule:

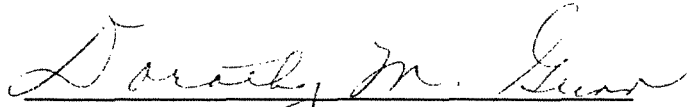
- 1) This permit appeal shall be converted into a petition for an adjusted standard regarding the standards under which Western Lion's landfill must comply for closure;
- 2) Within 20 days of a Board order accepting the agreed-to-schedule as between the Agency and Western Lion, Western Lion shall submit a draft petition for an adjusted standard for the Agency's review and comment;
- 3) Within 14 days of the Agency's receipt of the draft petition, the Agency shall submit comments to Western Lion;
- 4) Within 14 days of Western Lion's receipt of the Agency's comments, Western Lion shall file the petition for an adjusted standard with the Board;
- 5) The Agency shall advise the Board whether the Agency intends to join in the petition as a co-petitioner;
- 6) The Agency agrees to withdraw the pending January 18, 1995 motion for summary judgment until such time as the petition for an adjusted standard is fully adjudicated; and
- 7) Western Lion shall file a decision deadline waiver necessary in order to provide sufficient time for the Agency's motion for summary judgment to remain pending before the Board.

Rather than adopt this proposed schedule as a Board order, we will instead stay this permit appeal and any decision on the Agency's motion for summary judgment until June 1, 1995, which is 120 days prior to the decision deadline of September 30, 1995. Western Lion is directed to file the petition for an adjusted standard on or before that date. Any petition for an adjusted standard that Western Lion may file will be docketed by the Clerk

as a new case. All future scheduling orders shall be at the discretion of the hearing officer as well as requests for further extensions of the stay after the filing of the petition for an adjusted standard.

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 16th day of March, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board