

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 1989

RIVERSIDE LABORATORIES, INC., )  
 )  
Petitioner, )  
 )  
v. ) PCB 87-62  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

MS. SUSAN FRANZETTI AND MR. JAMES J. DENAPOLI, APPEARED ON BEHALF OF PETITIONER, RIVERSIDE LABORATORIES, INC.;

MS. DIANE ROSENFELD LOPATA AND MR. JOSEPH PODLEWSKI APPEARED ON BEHALF OF RESPONDENT, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon Petitioner's May 7, 1987, filing of a Permit Appeal. Respondent, Illinois Environmental Protection Agency (Agency), denied Petitioner's request for an operating permit renewal on April 3, 1987 and Petitioner has challenged that denial pursuant to 35 Ill. Adm. Code 105.102. Today, the Board issues only its Order; a complete Opinion will issue shortly.

Based upon a review of the record and the regulations at issue, and the Board's finding that Petitioner, Riverside Laboratories, Inc., is not subject to the paper coating regulation set forth at 35 Ill. Adm. Code 215.204(c), the Agency determination that Riverside is subject to the paper coating regulations (215.204(c)) is reversed.

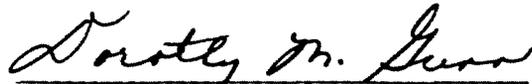
The Board does not, in this proceeding, make a finding concerning the applicability of any other regulations to this Petition particularly as this issue was not fully aired; this would be the province of some future action. Likewise the Board does not order the Agency to issue the desired permit.

The Board remands this action to the Agency for review consistent with the Board's holding that Riverside is not subject to 35 Ill. Adm. Code 215.204(c). During such review Riverside shall be afforded the opportunity to amend its application or submit additional information.

IT IS SO ORDERED.

Board Members B. Forcade and 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 5<sup>th</sup> day of January, 1989 by a vote of 5-2.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board