

ILLINOIS POLLUTION CONTROL BOARD
April 20, 1995

RIVERSIDE LABORATORIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 90-164
)	PCB 91-161
ILLINOIS ENVIRONMENTAL)	(Consolidated)
PROTECTION AGENCY,)	(Variance-Air)
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

Riverside Laboratories Inc. (Riverside) and the Illinois Environmental Protection Agency (IEPA), on October 28, 1994, filed a joint status report pursuant to the Board's order of November 3, 1994, a motion for continuance of stay, and a waiver of decision deadline until October 6, 1995.

In the status report, Riverside states that a related permit appeal is pending before this Board in PCB 90-165. This consolidated variance arising out of IEPA's denial of Riverside's permit on grounds that the Part 218 papercoating regulations of the State Implementation Plan (the "SIP") were applicable to Riverside's operation. Riverside filed a Petition for Review challenging the papercoating limitations as they applied to Riverside. Further, Riverside states that currently pending before the United States Environmental Protection Agency (U.S.EPA) is its request for review of the Federal Implementation Plan (FIP) for ozone which specifically challenges the papercoating limitations as applied to Riverside, and that U.S.EPA has granted Riverside a stay of enforcement of the papercoating limitations pending final review.¹

On December 16, 1993 a Notice of the Proposed Rulemaking was published in the Federal Register and that the relevant public comment period ended January 18, 1994. (58 Fed. Reg. 65688 (December 16, 1993).) A public hearing was held by U.S.EPA on April 6, 1994 and it reopened the public comment period until May 16, 1994 at the request of Riverside. As of April 14, 1995, U.S. EPA has not issued a final rulemaking in this matter but anticipates that the final rule will be sent to the Administrator

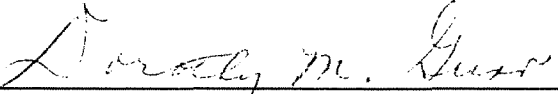
¹The Board's regulations at 35 Ill. Adm. Code 218.103(a)(2) stay the effectiveness of Part 218 as applied to each FIP appellant to the extent that each appellant receives a stay of the FIP from the U.S.EPA.

to be signed within the next few weeks.

Riverside filed a Waiver of Decision Deadline and requested a stay until October 6, 1995. The Board grants a stay in this matter until June 15, 1995, which allows the Board sufficient time, if necessary, to process this case prior to the new decision deadline.² Riverside and the Agency shall file another status report, or any other appropriate motion, on or before June 8, 1995. That filing and any future requests for continuation of stay and status reports should be directed to the assigned hearing officer, with a copy being filed with the Board.

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 20th day of April, 1995, by a vote of 7-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

²Due to the regulatory notice requirements, the time required to conduct the hearing and deliberate the matter, the Board requires a 120 day period of time between the stay and the decision due date in the matter.