

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1993

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

ORDER OF THE BOARD (by J. C. Marlin):

On February 5, 1993, the Agency filed a status report in response to an August 13, 1992, Board order. On February 8, 1993, Riverside Laboratories, Inc. (Riverside) filed a status report also in response to the August 13, 1992, Board order. Concurrently, Riverside filed a waiver of decision deadline until September 1, 1993.¹

Riverside and the Agency state that Riverside has two variance petitions pending before the Board, PCB 91-161 and PCB 90-164 as well as a permit appeal, PCB 90-165, all pertaining to the Part 218 papercoating regulations as applied to Riverside. The Agency and Riverside also state that Riverside has pending before the United States Environmental Protection Agency (USEPA) a reconsideration of the Federal Implementation Plan (FIP) papercoating regulations as applied to Riverside. The parties also state that USEPA has granted Riverside a stay of enforcement of the papercoating limitations, pending final review. 35 Ill. Adm. Code 218.103(a)(2) stays 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 USEPA.

Based on the foregoing, the Agency requests in its status

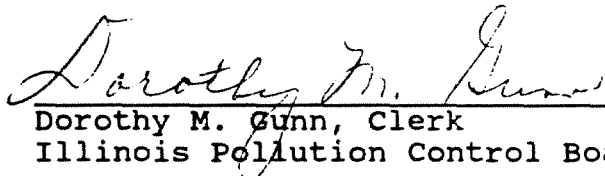
¹Riverside's original status report and waiver of decision deadline was received on February 1, 1993. The Agency's original status report was received on February 3, 1993. Both status reports and the waiver of decision deadline were improperly filed in that one document was filed for each of the three pending Riverside cases instead of separate documents being filed for each docketed case. Additionally, because the parties filed the documents as if they were filing for one case instead of three the Board did not receive the requisite number of copies. (See, 35 Ill. Adm. Code 101.103(b).) The date of filing reflected in this order is the date the corrected copies were received by the Board.

report that the pending matters be held in abeyance until final review by USEPA of the papercoating regulations as applied to Riverside. Riverside in its status report asks that the Board continue the stay of proceedings in this matter until April 30, 1993, at which time Riverside agrees to submit a status report in this matter. Accordingly, the Board will enter a stay in each case until April 30, 1993.

The parties are directed to file an updated status report on or before April 30, 1993. The parties may renew their request for an extension of the stay if necessary, provided that the extension is accompanied by a appropriate waiver of the decision deadline.

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 February, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board