

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1994

IN THE MATTER OF: )  
 )  
PETITION OF R. LAVIN & SONS, INC., )  
FOR ADJUSTED STANDARD FROM 35 )  
ILL. ADM. CODE 302.102, 302.208, ) AS 90-5  
302.210 AND SUBPART F, PROCEDURES ) (Adjusted Standard)  
FOR DETERMINING WATER QUALITY )  
CRITERIA )

ORDER OF THE BOARD (by R.C. Flemal):

On March 5, 1990 R. Lavin & Sons, Inc. (Lavin) filed this petition for adjusted standard from certain of the Board's water pollution regulations.

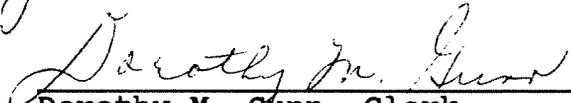
On January 25, 1994 the parties submitted status reports pursuant to Board order. The Illinois Environmental Protection Agency (Agency) discusses the history of this proceeding, submits recent discharge monitoring reports received from R. Lavin & Sons, Inc. (Lavin), and states that nothing has changed since the last status report. In a previous report, the parties noted that they had extended the period for negotiations under the dispute resolution clause in a consent decree entered into by these parties in a related enforcement action, People v. R. Lavin & Sons (1990), No. 90-CH-668. Lavin states that it is continuing to await the final decision of the the North Shore Sanitary District (NSSD) and the City of North Chicago (North Chicago) regarding Lavin's request to reroute some of Lavin's stormwater discharges. Lavin requests that the Board set the matter for another status report by the end of April 1994.

The Board notes that this matter is nearly four years old. The petitioner stated over one year ago that a decision from North Chicago and the NSSD was expected shortly. No decision has been reported. It is necessary for the parties to bring this four-year-old matter to resolution sometime in the near future either through pursuit of hearing and decision on the merits or by settlement.

The Board directs the parties to file a status report with the Board and hearing officer on or before March 11, 1994 detailing a projected timeline for completion or settlement.

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 3<sup>rd</sup> day of February, 1994, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board