

ILLINOIS POLLUTION CONTROL BOARD
July 27, 1989

MOTOR WHEEL CORPORATION, INC.,)
)
 Petitioner,)
)
 v.) PCB 89-89
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

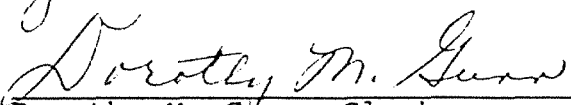
ORDER OF THE BOARD (by B. Forcade):

The Board has reviewed Motor Wheel Corporation, Inc.'s ("MWC") motion for stay, the Illinois Environmental Protection Agency's ("Agency") June 26, 1989 response, and MWC's July 20, 1989 response to Board Order. The Board will grant the requested stay of the closure plan conditions.

This matter concerns an appeal of an interim status closure plan pursuant to 35 Ill. Adm. Code 725.212. These "mini-permits" are not issued pursuant to the procedures for issuance of a RCRA permit. Rather, the procedures are outlined in Section 725.212, with the closure requirements. (See 35 Ill. Adm. Code 702.107.) Therefore, the detailed stay provisions of 35 Ill. Adm. Code 705.202 et seq. do not apply. However, the Board will apply the general principle articulated in these provisions: that an existing, "permitted" operation should be allowed to continue operating pursuant to the prior "permit" conditions pending resolution of the appeal, at least with respect to contested conditions, unless otherwise ordered by the Board. Consistent with this discussion, the Board stays Condition No. 1, which requires completion of closure by September 1, and certification of closure by November 1, 1989. This stay is not intended to authorize the Petitioner to undertake closure activities pursuant to the earlier closure plan conditions which were modified and which are the subject of this appeal. The Board anticipates that all closure activities will be postponed until final disposition of this matter.

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 27th day of July, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board