

ILLINOIS POLLUTION CONTROL BOARD
November 16, 1995

C&S RECYCLING, INC.,)
)
Petitioner,)
) PCB 95-100
v.) (Permit Appeal - Land)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

On November 1, 1995, C&S Recycling (C&S) filed a "Motion to Stay Proceedings". C&S also filed a waiver of the decision deadline until July 26, 1996. The Illinois Environmental Protection Agency (Agency) did not file a response to the motion to stay. A "Motion for Summary Judgement" was filed on September 15, 1995 by the Agency. The petitioner has not filed a reply to the motion for summary judgment. Pursuant to 35 Ill. Adm. Code 101.241(b) a party that does not file a response within the specified time period is deemed to have waived objection to the granting of the motion, but such waiver does not bind the Board in its determination.

C&S is requesting that the Board stay this matter until July 1996. C&S states that it is currently seeking an amendment to Section 22.1, which if the amendment becomes law, would render the current appeal moot.

The Board grants a stay in this matter until March 28, 1996. While the Board recognizes that this may not allow sufficient time in which to adopt the legislation prior to the end of the spring legislative session, the Board requires sufficient time to process this case prior to the new decision deadline. Due to the statutory 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 deadline in the matter. If it is necessary to stay this matter beyond March 28, 1996, petitioner may file an additional waiver of the decision deadline along with the appropriate motion.

Since this proceeding is stayed, the Board will defer ruling on the motion for summary judgment until after the expiration of the stay. The parties are instructed to file status reports as ordered by the hearing officer during the period of the stay.

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 _____ day of _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board