

ILLINOIS POLLUTION CONTROL BOARD
July 14, 1983

ALTON PACKAGING CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 83-49
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

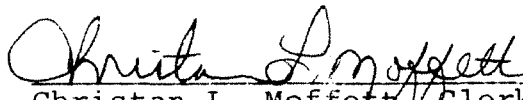
ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a July 11, 1983 motion for extension of time to file variance recommendation filed by the Illinois Environmental Protection Agency (Agency). An earlier, nearly identical motion, was denied by order of June 2, 1983. The recommendation should have been filed by May 13, 1983. The Agency now requests that it be allowed to file its recommendation on or before August 15, 1983. Decision is presently due by July 30, 1983 pursuant to a June 30, 1983 waiver by Alton Packaging of its right to a decision until that date. Oddly, the Agency purports to waive its right to a decision to September 12, 1983.

The Board first notes that the Agency has no right to a decision to waive. That right runs to the variance petitioner alone. Here, such waiver is until July 30. However, unlike its first motion, the Agency's present motion indicates that Alton Packaging has no objection to the extension of time. Assuming the truth of that allegation, Alton Packaging must necessarily agree to a pro tanto waiver of its right to a decision pursuant to 35 Ill. Adm. Code 103.143(b).

Therefore, the Board construes Alton Packaging's lack of objection to the motion as its consent to waive the decision date until November 1, 1983. The motion for extension of time is hereby granted until August 15, 1983.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 14th day of July, 1983 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board