

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1989

RIVERSIDE LABORATORIES,)
)
 Petitioner,)
)
 v.) PCB 87-62
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon an April 12, 1989 motion for stay filed by the Respondent, Illinois Environmental Protection Agency (Agency). The Agency requests that the Board stay enforcement of the Board's January 5, 1989 Order pending review of the Order by the Illinois Appellate Court. On April 21, 1989, Riverside Laboratories (Riverside) filed a response in opposition to the Agency's motion.

In support of its motion the Agency states as follows: on January 5, 1989, the Board adopted an Order reversing the Agency's permit denial and remanding the matter back to the Agency for action consistent with its determination that Riverside is not subject to the papercoating regulations of 35 Ill. Adm. Code 215.204(c). On April 6, 1989, the Illinois Attorney General's Office on behalf of the People of the State of Illinois, filed with the Illinois Appellate Court a Petition for Review of the Board's January 5 Order. Pursuant to the January 5 Order, Riverside has the right to submit an amended application and/or supplemental information for review by the Agency. Upon receipt of Riverside's amended application or supplemental information, the Agency would have 90 days within which to respond to Riverside's application. The Agency argues that a decision will not be reached by the Appellate Court prior to the Agency's 90 day review period. Thus the Agency requests the Stay.

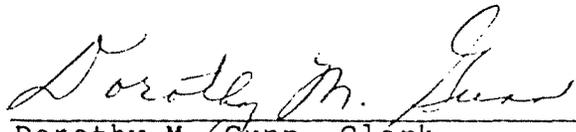
In opposition, Riverside states that it has acceded to an Agency request that it defer submitting any additional information, or otherwise submitting a permit application, to the Agency for the purpose of obtaining a renewal permit pending the Agency's appeal. The Agency and Riverside have agreed that during the pendency of the appeal, Riverside will be expected to abide by the terms and conditions of its previous operating permit. Riverside submitted copies of the Agency's written request and Riverside's response as exhibits. The Agency's

request is dated April 10, 1989. Riverside's written response is dated April 20, 1989. Therefore, Riverside argues that as this is the sole basis on which the Agency seeks entry of a stay, the Board should deny the motion.

As Riverside's April 20 letter agreeing to the Agency's request of April 10 satisfies the Agency's concerns articulated in its motion, the Board sees no reason to grant the stay. The Agency's motion is therefore denied.

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 April, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board