

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1999

HUMANE MANUFACTURING, LLC,)
)
 Petitioner,)
)
 v.) PCB 99-190
) (Permit Appeal - Air)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

ORDER OF THE BOARD (by K.M. Hennessey):

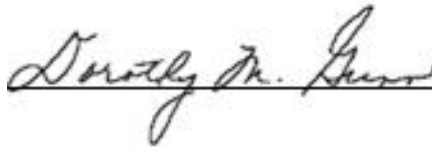
On July 6, 1999, petitioner Humane Manufacturing, LLC (Humane) moved the Board to stay this air permit appeal (Motion). Specifically, Humane asks that the Board stay this proceeding until the Illinois Environmental Protection Agency (Agency) issues an operating permit for Humane's air pollution control equipment or the parties determine that further negotiations are futile. Motion at 2. The Agency did not respond to the Motion.

The Board denies the Motion. Under Section 40(a)(2) of the Environmental Protection Act, 415 ILCS 5/40(a)(2) (1998), if the Board fails to decide this appeal by October 26, 1999, Humane may deem the permit issued. Because Humane has not extended this decision deadline, it would be inappropriate for the Board to grant the stay that Humane requests.

Humane may file a motion for stay accompanied by a waiver of the decision deadline. The waiver must be an open waiver or a waiver until a date certain. See 35 Ill. Adm. Code 101.105. In the absence of an open waiver, any motion for stay should request that the stay last until a date certain.

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 5th day of August 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board