

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1996

CGE FORD HEIGHTS, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-164
)	(T-C Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on an October 18, 1996 motion to stay the petition for review filed by CGE Ford Heights, L.L.C. (CGE) on January 25, 1996. CGE filed its petition for review and hearing to contest the December 21, 1995 denial by the Illinois Environmental Protection Agency (Agency) of CGE's application for certification of its Ford Heights facility as "pollution control facilities" pursuant to the provisions of 35 ILCS 200/11-5 through 11-30. On March 14, 1996, CGE filed a concurrent suit in the circuit court of Cook County, styled CGE Ford Heights, L.L.C., et al. v. Miller et al., No. 96 C 2560. CGE states that based on the outcome of the circuit court case, it may withdraw the present petition for review before the Board. CGE further states that it would be a premature and unnecessary use of the parties' resources to proceed with the matter before the Board at this time. The Agency filed its response to the motion to stay on October 28, 1996, stating that it concurs with CGE's request.

The Board hereby enters a stay in this matter for six months until May 2, 1997. CGE is directed to file a status report by February 2, 1997. In the event the circuit court issues a dispositive decision in the aforementioned matter, CGE is directed to file a status report with the Board at that time.

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 _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board