ILLINOIS POLLUTION CONTROL BOARD April 17, 1980

MONTEREY COA	AL COMPAN	Υ,)		
		Petit	ioner,)		
	v.)	PCB	79-276
ENVIRONMENT/	AL PROTEC	MOIT!	AGENCY,)		
		Respo	ondent.)		

ORDER OF THE BOARD (by Dr. Satchell):

On April 8, 1980 Monterey Coal Company filed a motion to extend stay of effectiveness of certain permit conditions and to stay proceedings. The motion contains a stipulation and agreement signed by the Environmental Protection Agency (Agency) and states that the Agency has no objection to the motion. The motion states that the issues in this appeal may be resolved if the Board's Proposed Order of December 13, 1979 in R76-20 and R77-10 is adopted. The stipulation provides for interim monitoring.

On February 7, 1980 the Board granted Monterey for ninety days a stay of monitoring requirements and effluent limitations for outfalls 002A and 002. The motion asks that this stay be extended until December 31, 1980 or until the effective date of a reissued or amended NPDES permit incorporating the terms and conditions set forth in the stipulation, whichever comes first. The motion further asks for an order staying the discovery period and hearing until December 31, 1980 or until sixty days after the Agency publicly notices a reissued or amended NPDES permit for Monterey's Mine No. 1, whichever comes first. The motion is granted. Since this is an NPDES Permit Appeal, the statutory 90 day decision period does not apply.

IT IS SO ORDERED.

> Christan L. Moff**ett, Clerk** Illinois Pollution Control Board