## ILLINOIS POLLUTION CONTROL BOARD September 7, 1995

SHEREX CHEMICAL CO., INC.,

Petitioner,

v.

PCB 91-202
(Permit Appeal - RCRA)

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

ORDER OF THE BOARD (by E. Dunham):

On August 25, 1995, Sherex Chemical Co. (Sherex) filed a status report pursuant to a Board order. Sherex also filed a waiver of the decision deadline through and including December 21, 1995. The Illinois Environmental Protection Agency (Agency) has not filed a status report in this matter as directed by the Board's order. The Board observes that this is the fifth status report filed by Sherex in response to a Board order directing the parties to file status reports and that the Agency has not filed a status report in response to any of those orders.

This permit appeal was filed on October 24, 1991. In a June 16, 1994 letter to the Agency, Sherex withdrew the RCRA Part B application. Sherex indicates that the Agency has requested additional information to support the withdrawal. Sherex provided documentation to the Agency in April of 1995 but has not received a reply from the Agency. Sherex will be submitting additional information to the Agency on September 15, 1995. Sherex indicates that it will withdraw its appeal upon successful withdrawal of the RCRA Part B application.

The Board is concerned with the failure of the parties to finalize this matter especially since its appears that a resolution has been reached by the parties. The Board is also concerned with the Agency's failure to file status reports in this matter, especially considering the Agency's lack of response to the submittal of information from Sherex. Other than the filing of a withdrawal of appearance and substitution of appearance the Agency has not filed anything in this matter with the Board since 1992.

Absent an additional waiver, the Board must decide this matter based on the record at its December 21, 1995 meeting. The Board orders the parties to file status reports or a joint status report with the Board on or before November 20, 1995.

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 \_\_\_\_\_\_\_\_, 1995, by a vote of \_\_\_\_\_\_\_\_.

Dorothy M. Gurn, Clerk Illinois Politition Control Board