

ILLINOIS POLLUTION CONTROL BOARD

November 21, 1996

WEST SUBURBAN RECYCLING, AND	)	
ENERGY CENTER, L.P.,	)	
	)	
Petitioner,	)	PCB 95-119 and PCB 95-125
	)	(Permit Appeals - Land and Air)
v.	)	
	)	
ILLINOIS ENVIORNMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a Motion for Partial Stay of Order filed November 15, 1996 by the Illinois Environmental Protection Agency (Agency). The Agency requests stay of the portion of the Board's October 17, 1996 order which required the Agency to issue West Suburban Recycling and Energy Center, L.P. (WSREC) a solid waste management development permit. The stay is requested during the pendency of the Agency's appeal of that portion of the Board's order.

The Board hereby denies the request for stay. The Board notes that the Agency may go directly to the appellate court to request a stay pursuant to Rule 335 of the Rules of the Supreme Court of Illinois.

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

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