

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 1980

MONTEREY COAL COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 79-276  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Dr. Satchell):

On December 21, 1979 Monterey Coal Company filed a motion to stay NPDES permit conditions. The motion alleges arbitrary and unreasonable hardship as the exclusive grounds for the stay. Although this could entitle Petitioner to a variance, it is not the rule for stay of permit conditions. The motion is therefore denied. A motion to stay should indicate whether the permit is new or renewed, whether the conditions to be stayed were included in previous permits and whether they are mandated by regulations or discretionary with the Agency.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 10<sup>th</sup> day of January, 1980 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board