

ILLINOIS POLLUTION CONTROL BOARD  
June 23, 1994

SAFETY-KLEEN CORP.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-211
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a status report filed by petitioner Safety-Kleen Corp. (Safety-Kleen) on June 16, 1994. The status report is filed in response to the Board's March 17, 1994 order directing both parties to file status reports, or a joint status report, no later than June 17, 1994. The Illinois Environmental Protection Agency (Agency) has not filed a status report.

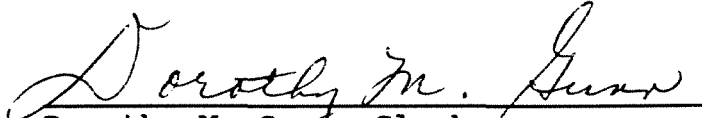
Safety-Kleen states that it expects that the issues raised in this appeal will be resolved through issuance of a final Part B permit by the Agency. Safety-Kleen states that the parties discussed this appeal at an April 19, 1994 meeting, and that the parties will meet again on June 27, 1994. Safety-Kleen further states that the Agency issued a draft Part B permit in September 1993, and that Safety-Kleen anticipated that the final Part B permit would have been issued prior to this date. Safety-Kleen hopes that the final permit will be issued within a few weeks after the June 27 meeting. Safety-Kleen concludes that given the parties' understanding in this case, it believes that the matter should be continued, with another status report to be filed in 90 days. Safety-Kleen states that it anticipates that the action will be resolved before that 90 days passes.

Initially, the Board notes that the Agency has failed to file a status report, as directed in our March 17 order. This failure complicates our decision in this matter, because we do not have any indication of the Agency's position on the progress of the Part B permit. As we have stated in the past, the Board is sympathetic to the parties' attempts to negotiate a resolution to this matter. However, the Board will not indefinitely delay substantive action on this case. In our March 17 order, we stated that we expect no further extensions, yet we are asked for yet another 90-day delay. The request for a further continuance is denied. The hearing officer is directed to set this matter for hearing, to be held no later than September 30, 1994. This time frame will allow the parties a period in which to complete

work on the Part B permit, and dismiss this proceeding, without allowing the case to continue to languish if no resolution is reached.

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 23<sup>rd</sup> day of June, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board