

ILLINOIS POLLUTION CONTROL BOARD
March 3, 1994

SHEREX CHEMICAL CO., INC.,)
)
Petitioner,)
)
v.) PCB 91-202
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

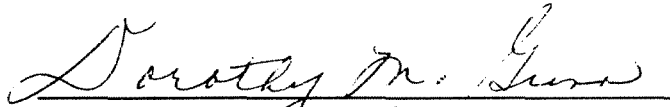
On February 18, 1994, Sherex Chemical Co., Inc. (Sherex) filed a "Motion to Dismiss Appeal". On February 25, 1994, Sherex filed a "Motion to Stay Decision on its Motion to Dismiss Appeal". Sherex notes that the Illinois Environmental Protection Agency has not issued the RCRA B permit and it is uncertain when the permit will be issued. Sherex maintains that it does not wish to dismiss the appeal until the permit is issued and requests that the Board stay the motion to dismiss.

The Board construes the motion for stay as a motion to withdraw the motion to dismiss. The Board grants the motion to withdraw the motion to dismiss and therefore will not rule on the motion to dismiss. Once the permit is issued, Sherex may file a new motion to dismiss.

The Board also notes that the decision deadline in this matter is March 31, 1994. If an additional waiver of the decision deadline or a motion to dismiss is not received by the Board prior to March 21, 1994, this matter will be subject to dismissal at the Board meeting on March 31, 1994.

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 3rd day of March, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board