

ILLINOIS POLLUTION CONTROL BOARD
May 21, 1992

IN THE MATTER OF:)
)
PETITION OF THE STIFFEL) AS 92-1
COMPANY FOR ADJUSTED STANDARD) (Adjusted Standard)
FROM 35 ILL. ADM. CODE PART)
218, SUBPART F)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the Agency's April 23, 1992 motion to extend the Illinois Environmental Protection Agency (Agency) response date by sixty days.¹ Section 106.714(a) of the Board's procedural rules provides that an Agency response to a petition for adjusted standard is due 30 days after the filing of the petition. (35 Ill. Adm. Code 106.714(a).) The Agency asserts that the Stiffel Company has no objection to the extension. The Agency also asserts that Stiffel has a compliance plan pending with the Agency that negates the need for an adjusted standard.

By order of May 7, 1992, the Board sought clarification on a threshold issue. The Board directed the Agency and the Stiffel Company to submit explanations as to why, if a facility is out of compliance, a compliance plan by itself "negates the need" for an adjusted standard or other relief from the Board.

On May 18, 1992, the Agency filed a response stating:

1. On February 7, 1992, the Stiffel Company filed with the Agency a proposed compliance plan which provides for eventual compliance with Part 218,, Subpart F. The proposal is still under negotiations and the parties in good faith believe that an agreement is imminent.
2. When a mutually acceptable compliance plan is developed, the compliance plan will be incorporated into an enforcement consent decree to be filed with the Board. Stiffel would thereafter withdraw its petition. Therefore, an acceptable compliance plan negates the need for an adjusted standard.

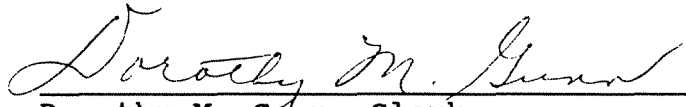
In conclusion, the Agency stated that Stiffel supported its response, voted that the case had been set for a June 4 status call, and renewed its request for a 60 day extension of time.

¹The Board notes that the Agency filed an identical "motion instanter" for a sixty-day extension of time within which to respond on April 30, 1992.

As the parties have demonstrated that satisfactory progress towards resolution of this action is being made, the Board will grant the Agency an extension of time through June 23, 1992 in which to file its response to Stiffel's petition. In so doing, however, the Board makes no finding as to the appropriateness or approvability of any agreement which the Agency and Stiffel may reach.

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 31st day of May, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board