

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1992

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|-----------------------------|---|------------|
| LONE STAR INDUSTRIES, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB-92-134 |
| |) | (Variance) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by B. Forcade):


On October 14, 1992, The Environmental Protection Agency (Agency) filed a "Motion to Dismiss and Motion To Stay Filing of Agency Recommendation". The Board will not rule on the motion to dismiss pending receipt of a response from Lone Star.

The Agency requests the Board to stay the filing of the Agency recommendation until the motion to dismiss is decided. Absent a waiver of the statutory deadline, the Board is required to reach a final determination on a variance within 120 days from the filing of the petition. No waiver has been filed in this case. The decision deadline is January 15, 1993. Hearings are scheduled for November 12 and 13, 1992. A stay of the filing of the recommendation could jeopardize the Board reaching a final determination on the variance by the deadline.

Therefore, the Agency's motion to stay the filing of the Agency recommendation is denied.

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 16th day of October, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board