

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1994

ROCK-OLA MANUFACTURING CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 90-24
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G. T. Girard):

On June 28, 1994, the respondent filed a motion asking the Board to reconsider the May 19, 1994, opinion and order in this proceeding. The Board's May 19, 1994, opinion and order found that Rock-Ola should be issued a RCRA clean closure certification, without conditions, by the Agency, for Rock-Ola's North Kedzie facility (site S01). The respondent asks that the Board reconsider the opinion and enter an order affirming the Agency's denial of approval of petitioner's closure certification.

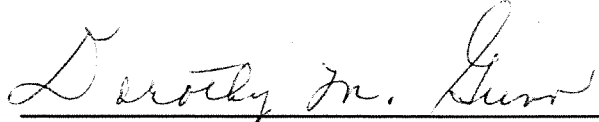
After several joint motions for extension of time, the petitioner filed its response on October 27, 1994. The petitioner states that "Rock-Ola and the Illinois Environmental Protection Agency reached a settlement under which the parties have resolved their technical differences. . .". Petitioner also states that it has agreed to join with the Agency "on its motion to reconsider".

While each of the parties have requested that the Board reconsider its May 19, 1994, opinion and order, it is unclear whether or not the parties are requesting the same relief. Since petitioner has joined the Agency in its motion the proper relief appears to be for the Board to vacate its opinion and order of May 19, 1994 and dismiss this proceeding.

The Board directs the petitioner to clarify its October 27, 1994 filing to inform the Board specifically what relief the petitioner is seeking in the motion to reconsider. The Board directs the petitioner to file such clarification no later than November 14, 1994.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 7th day of November, 1994, by a vote of 2-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board