

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

CENTRAL CAN COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-176
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

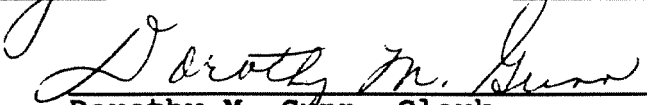
ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a February 2, 1994 joint status report, filed by petitioner Central Can Company (Central Can) and the Illinois Environmental Protection Agency (Agency). Substantive action on this case has been delayed several times, because Central Can has asked USEPA to review USEPA's interpretation of rules which are the subject of the instant permit appeal. In their status report, the parties state that Central Can has made phone calls and sent letters to the contact person at USEPA, who replied that he has not yet received a response from USEPA's research headquarters. The parties state that USEPA is not able to respond to Central Can's request at this time. However, the parties state that in consideration of these efforts, they have agreed to await the outcome of meetings between Central Can and USEPA, since it is possible that if an accord is reached with USEPA, it may not be necessary to proceed with this appeal.

As the Board stated in our November 4, 1993 order, although we are sympathetic to Central Can's efforts to resolve this case, we will not delay substantive action indefinitely. Central Can originally contacted USEPA in November 1992, and in December 1992 USEPA informed Central Can that USEPA would need an additional thirty days to review the matter. In June 1993, USEPA again stated that it would need additional time. Now, once again, the Board has been told that USEPA needs some unspecified time to respond. We can no longer delay substantive action, especially since the parties can only state that a resolution with USEPA may make it unnecessary to proceed with this appeal. The hearing officer is directed to set this matter for hearing. Hearings shall be completed no later than July 1, 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 17th day of February, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board