

ILLINOIS POLLUTION CONTROL BOARD
May 5, 1993

RIVERSIDE LABORATORIES, INC.,)
)
Petitioner,)
)
v.) PCB 90-164
) PCB 91-161
ILLINOIS ENVIRONMENTAL) (Consolidated)
PROTECTION AGENCY,) (Variance)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

This matter is before the Board on an April 30, 1993, filing by both parties of a motion for consolidation in the above captioned cases. On April 30, 1993, both parties also filed a status report and motion for continuance of stay in these cases and a related permit appeal. Riverside's filing was accompanied by a waiver of decision deadline in all three cases until April 1, 1994.

MOTIONS FOR CONSOLIDATION

Riverside and the Illinois Environmental Protection Agency ("Agency") state in their motions for consolidation that both variance petitions pertain to Riverside's manufacturing facility in Geneva, Kane County. Additionally, the parties state that both petitions relate to the Agency's permit denial and concern common facts and issues. Finally, the parties state that in the interest of conserving time and paper when filing status reports in these matters, that these cases should be consolidated.

Pursuant to 35 Ill. Adm. Code 103.141, the Board may consolidate cases in the interest of "convenient, expeditious, and complete determination of claims." Therefore, the Board grants both Riverside and the Agency's motions for consolidation of PCB 90-164 and PCB 91-161.

STATUS REPORTS AND MOTIONS FOR CONTINUANCE OF STAY

In their status reports, Riverside and the Agency state that Riverside has two variance petitions pending before the Board, PCB 91-161 and PCB 90-164 (now consolidated) as well as a permit appeal, PCB 90-165, all pertaining to the Part 218 papercoating regulations as applied to Riverside. The Agency and Riverside also state that Riverside has pending before the United States Environmental Protection Agency ("USEPA") a reconsideration of the Federal Implementation Plan ("FIP") papercoating regulations as applied to Riverside. The parties also state that USEPA has granted Riverside a stay of enforcement of the papercoating limitations, pending final review. 35 Ill. Adm. Code

0142-0011

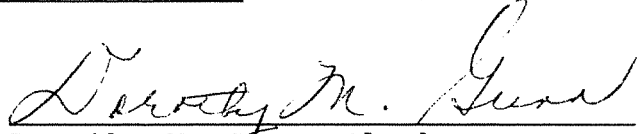
218.103(a)(2) stays the effectiveness of Part 218 as applied to each FIP appellant to the extent that each appellant receives a stay of the FIP from the USEPA.

Based on the foregoing, the Agency requests in its status report and motion for continuance that the pending matters be held in abeyance until April 1, 1994. Riverside also asks that the Board continue the stay of proceedings in these matters until April 1, 1994, at which time or at any other time as the Board deems necessary, Riverside agrees to submit a status report in this matter. Accordingly, the Board will enter a stay in both cases until April 1, 1994.

The parties are directed to file an updated status report on or before October 29, 1993.

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 5th day of May, 1993, by a vote of 5-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board