

ILLINOIS POLLUTION CONTROL BOARD
May 23, 1991

IN THE MATTER OF:)
)
CERTAIN HAZARDOUS WASTES FROM) R91-11
PRIMARY ZINC SMELTING AND) (Emergency Rulemaking)
REFINING, 35 Ill. Adm. Code)
721.104(b)(7)(U))

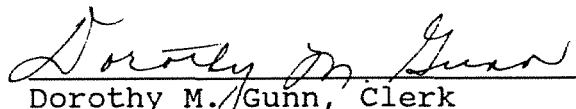
ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on the May 20, 1991 Motion for Extension of Time, filed by the Agency, and the May 21, 1991 request of Big River Zinc Corp. for Board delay in further action. The Agency states that the unavailability of certain key personnel, the shortened time required by the Board for response, and other unavoidable elements of delay make it impossible for the Agency to respond before May 22, 1991, by FAX, or May 23, 1991, by mail. Big River Zinc states that it anticipates comment from USEPA headquarters in Washington, D.C., that would clarify the comments submitted by USEPA Region 5 and the status of the K066 hazardous waste listing in light of the remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990).

The Board acknowledges the receipt of the agency response, and hereby grants the Agency-requested extension to file its response to the Board Order of May 14, 1991. In the interest of obtaining USEPA comment, the Board will delay action on the emergency rule until Big River Zinc or the Agency comes before the Board with a motion for further action. Nevertheless, in the absence of such a motion, the Board will proceed to take action in this matter no later than Thursday, June 20, 1991.

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 23rd day of May, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board