

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1991

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

ORDER OF THE BOARD (by J. C. Marlin):

On September 23, 1991, the Agency filed a motion for extension of time in which to file its Recommendation in this variance proceeding. In support thereof, the Agency notes that petitioner seeks relief from certain of the Board's RACT rules adopted in R91-7. The Agency notes that these rules are "substantially the same" as those adopted by the USEPA in its Federal Implementation Plan (FIP) at 55 Fed. Reg. 26814, June 29, 1990. The Agency states that petitioner has appealed the FIP promulgation, and is currently negotiating its appeal with USEPA. The Agency asserts that "the results of these negotiations could significantly impact the substance and even necessity" for the relief requested here, and that negotiations are expected to conclude "within the foreseeable future." The Agency further states that petitioner has expressed no objection to the granting of this motion, and has waived the decision date in this matter.

The Board notes that no hearing in this matter is presently scheduled and that the decision deadline has been waived until April 1, 1992. The Board will accordingly grant the Agency an extension of time through January 1, 1992 in which to file its Recommendation. In the event a further waiver is received, however, the Hearing Officer is authorized to grant an extension of the time for the filing of the Agency's Recommendation provided that it is received no later than the 90th day prior to the Board's decision deadline.

IT IS SO ORDERED.