

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1988

VILLAGE OF SAUGET)	
)	
Petitioner,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	PCB 86-58
_____)	(Consolidated with
)	PCB 86-63)
MONSANTO COMPANY,)	
)	
Petitioner,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R. C. Flemal):

On July 7, 1988 the Village of Sauget ("Sauget") filed a Motion for Reconsideration requesting that the Board reconsider its June 2, 1988 Interim Order in which the Board denied Sauget's April 28, 1988 Motion to Extend Stay. In its Motion, Sauget requested stay of enforcement of certain condition's of Sauget's NPDES permit #IL0065145 for its American Bottoms Regional Wastewater Treatment Facility ("AB Plant") pending final determination of the instant proceeding or until September 19, 1988, the current decision deadline. On July 18, 1988, the Illinois Environmental Protection Agency ("Agency") filed an objection to Sauget's motion for reconsideration.

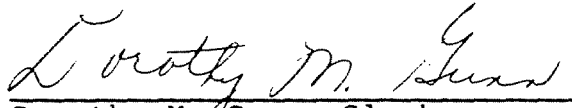
In its Interim Order, the Board considered whether Section 16(b) of the Illinois Administrative Procedure Act ("APA") conferred an automatic stay of the enforcement of the conditions, and if not, whether the Board should, in its discretion, grant the stay.

The Board finds Sauget's arguments presented in its Motion for Reconsideration unconvincing and therefore denies the motion. The Board believes that its interpretation of the automatic stay provision of Section 16(b) of the APA is a reasonable interpretation and not a narrow construction, as Sauget claims. The Section clearly refers to an "application for the renewal of a license or a new license with reference to an

activity of a continuing nature", as triggering the automatic stay. The Board therefore disagrees with Sauget's position that the activity is now of a continuous nature and should therefore be sufficient for the granting of an automatic stay. As to the discretionary stay, the Board reaffirms its reasons for denial as stated in its Interim Order. The Board notes that Sauget's arguments here are of the type which would best be presented in Sauget's case in chief. At best, Sauget attempts to point out situations which would apply to any entity contesting permit conditions under the Act.

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 4th day of August, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board