

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1983

ALTON PACKAGING COMPANY,)
)
 Petitioner,)
)
 v.) PCB 83-49
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

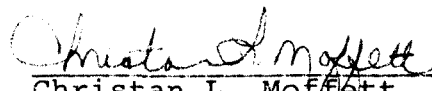
ORDER OF THE BOARD (by J.D. Dumelle):

On May 19, 1983 the Illinois Environmental Protection Agency (Agency) filed a motion for extension of time to file its variance recommendation in this matter. It argues that since a site-specific regulatory proceeding was filed contemporaneously with the variance petition and since the compliance plan stated in that petition is to obtain site-specific relief, the Agency should have 90 days to file its variance recommendation to allow it the same period of time as it is allowed to make a recommendation as to the disposition of the site-specific regulation pursuant to 35 Ill. Adm. Code 106.304(a). It further argues that the filing of the site-specific regulatory petition should be construed as a pro tanto waiver of the 90-day decision period for Board action.

This novel argument is not devoid of merit. However, the Board concludes that it has no authority to construe the filing of a site-specific regulatory petition as a waiver of the Board's statutory decision period for the variance action. Therefore, the Board cannot allow the requested 60-day extension. The motion is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2ND day of June, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board