

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

GRANITE CITY STEEL DIVISION,)
NATIONAL STEEL CORPORATION)
)
Petitioner,)
)
v.) PCB 94-171
) (UST-Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C. A. Manning):

On June 6, 1994, Granite City Steel Division, National Steel Corporation (Granite) filed a petition for review of an Illinois Environmental Protection Agency (Agency) final disapproval of Granite's Leaking Underground Storage Tank Physical Soil Classification and Groundwater Investigation Plan. The Agency issued a final decision on May 2, 1994, accompanied by Attachment A which contains the stated reasons and Attachment B which contains the associated budget. The final determination concerns Granite's steel manufacturing and processing facility located at 20th and State Streets, Granite City, Madison County, Illinois. This matter is accepted for hearing.

Granite filed a ninety (90) day waiver of the decision deadline date, extending the deadline to January 2, 1995; the Board meeting immediately preceding the due date is scheduled for December 15, 1994. Granite also filed a motion to stay proceedings through January 2, 1995 (pending issuance of the Final Notice, Opinion and Order in R94-2 and anticipated negotiated settlement). The Board naturally declines to stay this case through or beyond the expiration of the decision deadline. The Board will grant a stay until August 17, 1994 (120 days prior to December 15, 1994). The Board will entertain any additional motions to stay the proceedings as long as they are accompanied by a waiver of the decision date sufficient to allow the Board a full 120 days to process the case in the event no settlement is reached.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent

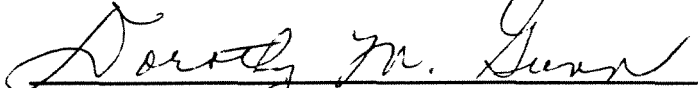
with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition. In this case, the Board orders the record to be filed within 14 days of the expiration of the stay (i.e. August 31, 1994).

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 23rd day of June, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board