

ILLINOIS POLLUTION CONTROL BOARD
April 25, 1991

LTV STEEL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 91-49
)	(Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 13, 1991, LTV Steel Company, Inc. (LTV) filed a Petition for Review of an NPDES Permit. The petition stated that it sought review of certain conditions because the imposition of those conditions is "unreasonable, arbitrary and capricious and contrary to federal and Illinois law and regulation."

On April 11, 1991 the Agency filed a Motion for Specification of the Alleged Errors upon which Petitioner Relies pursuant to 35 Ill. Adm. Code 105.102(b)(7). The Agency is seeking specification regarding the legal and factual basis for LTV's contention that the imposition of conditions is "unreasonable, arbitrary and capricious and contrary to federal and Illinois law and regulation".

On April 18, 1991, LTV responded to the Agency's motion maintaining that its petition was sufficient. LTV maintains that the Agency's request is beyond the scope of Section 105.102(b)(7) in that the motion requests LTV to set out in advance of Board hearing all of the evidence and legal arguments LTV will rely on to prove its case.

Section 105.102(b)(7) in its entirety states:

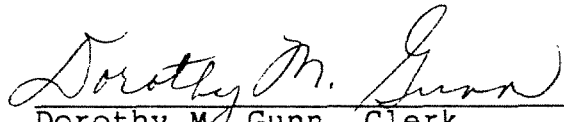
The petition shall contain a statement of the decision or part thereof to be reviewed. The Board upon motion of any respondent shall, or upon its own motion may, require of the petitioner a specification of the errors upon which the petitioner relies on his petition.

LTV specifically lists the challenged conditions in its petition. Thus, LTV has set forth the "errors upon which the petitioner relies." Therefore, the Board denies the Agency's motion. The Board notes that the Agency remains free to seek

additional information prior to hearing through discovery.

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 25th day of April, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board