

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1984

ABEX CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 84-18
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This docket was opened upon the Board's February 14, 1984 receipt of a letter dated February 10, 1984 from Abex to the Agency requesting Agency reevaluation of its January 5, 1984 denial of an operating permit. In paragraph 3 of that letter, Abex also states that "In order to reserve all rights, this letter may also be considered as notice of an appeal from a permit denial, if such [January 5, 1984] denial by the Agency shall be considered final."

This action is hereby dismissed, and the docket is closed, on two grounds. First, assuming arguendo that the Agency's January 5, 1984 action was a final one, this "appeal" is untimely filed, having been received 5 days after expiration of the statutory 35 day appeal period. Second, even if the "appeal" had been timely filed, it would seem premature to bring the matter to the Board, given Abex' request that the Agency reevaluate the application in light of Abex' submittal of additional information. The Board notes that any Agency denial of Abex' February 10, 1984 reapplication would itself be appealable.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22nd day of February, 1984 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board