

ILLINOIS POLLUTION CONTROL BOARD
March 24, 1983

THE CELOTEX CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 78-177
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by I. G. Goodman):

On February 24, 1983, pursuant to the decision of the Supreme Court of the State of Illinois in The Celotex Corporation, Appellee v. Illinois Pollution Control Board and Illinois Environmental Protection Agency, Appellants, No. 55848, Celotex filed a Motion to Issue Permit. The Illinois Environmental Protection Agency (Agency) filed its Response on March 3, 1983 and Celotex filed a Reply to the Agency's Response on March 8, 1983. On March 10, 1983 the Board granted the Agency leave to respond to Celotex's March 8, 1983 Reply by March 21, 1983. On March 22, 1983 Celotex filed an Answer to the Agency's Response to Celotex's Reply which had been filed on March 21, 1983. There being no provision in the Board's Procedural Rules for the March 22, 1983 Celotex filing and the Board not having granted leave to file such Reply, the Reply is hereby stricken.

On page 15 of its Opinion, the Supreme Court stated "Accordingly we judge that the issue of the denial of a renewal permit on the basis of a failure by Celotex to submit all the requested information should be considered by the Board on the remand. The Permit can be denied only if the information was not already submitted and certified as current, and only if without the information the application was insufficient to show compliance with rules of the Board other than those which were invalidated." It is clear that the Supreme Court expects the Board to reconsider the record with respect to this issue. In order to aid the Board in its reconsideration, the parties are hereby ordered to submit briefs on this issue to the Board on or before April 25, 1983.

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 24th day of March, 1983 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board