

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1973

ALLIED METAL COMPANY,)
)
) Petitioner,)
)
 v.) PCB 73-244
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

The present action is an appeal of a permit denial. The Environmental Protection Agency has moved for judgment based on the contention that all matters in issue had been previously raised and resolved in case Environmental Protection Agency v. Allied Metal Company, PCB72-164, pursuant to our Order of June 7, 1973. Response filed by Allied Metal Company contends that there are issues raised in the present proceeding that were not resolved by our earlier order.

We do not feel that an action of this sort is best disposed of by summary judgment, and, accordingly, will deny the Agency's motion and direct that hearing proceed as originally directed.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 12th day of July, 1973, by a vote of 4 to 6.

