

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1986

LTV STEEL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 84-111
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

LTV STEEL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 86-96
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (By J. Anderson):

On June 30, 1986, LTV filed a "petition for extension of variance granted in PCB 84-111", which was docketed as PCB 86-96. The short term variance granted in PCB 84-111 expiring July 1, 1986 was premised in part on the Board's observation that LTV "may receive a final decision on whether or not site-specific relief is justified within approximately one year, if such relief is diligently pursued". LTV notes that it had in fact, done so, and that the Board had adopted a First Notice proposal in that docket, R84-48, on March 27, 1986.

The pleading further recites that LTV has been "informed that the Board has not and will not finally act on R84-48 [pending] resolution of questions concerning the Board's [sic] authority to grant site-specific rulemaking". The Board takes administrative notice that legislation clarifying that authority (SB 2117 and HB 2574) was recently passed by the General Assembly and awaits action by the Governor.

Under the unique circumstances of this case, which involves various factors beyond LTV's control which could not have earlier been anticipated, the Board finds that this request is best treated as a motion for relief from a final order pursuant to 35

Ill. Adm. Code 103.241, rather than as a new variance petition. Docket PCB 86-96 is therefore dismissed, and the request will be handled in Docket PCB 84-111. In responding to this motion, the Agency is specifically requested to address the conformity of this request and procedure with federal requirements.

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 17th day of July, 1986 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board