

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1975

INTERLAKE, INC.,)
Petitioner,)
v.) PCB 73-528
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

ORDER OF THE BOARD (by Dr. Odell)

On December 10, 1973, Interlake, Inc. filed a "Petition For Review of Permit Denial" with the Illinois Pollution Control Board (Board). A series of waivers extended the date for final Board action until May 30, 1975. During the waiver period the Illinois Environmental Protection Agency (Agency) and the Petitioner attempted to resolve the problems raised in the Agency's permit denial letter of November 7, 1973. On April 29, 1975, a stenographic report was made of a conference conducted by the parties. This report was filed with the Board on May 13, 1975. Since the notice requirements of Rule 307 of the Board's Procedural Rules were not complied with, this conference cannot be considered a hearing. The discussion at the conference indicated that the issues between the parties had been resolved.


In a May 12, 1975, letter received by the Board on May 13, the Petitioner stated:

"Interlake is willing (1) to have the subject proceedings dismissed subject to their being reinstated in the event that the operating permit for Interlake's basic oxygen process steel making facility at Riverdale, Illinois, is not issued by the Environmental Protection Agency within a reasonable time, or (2) to have the subject proceedings discontinued pending issuance of the said operating permit with the provision that the proceedings will stand dismissed upon the issuance of the said operating permit."

We construe alternative (1) as a Motion To Dismiss. We grant the Motion. Petition For Review of Permit Denial is dismissed without prejudice.

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 21st day of May, 1975, by a vote of 5-0


Christan L. Moffett, Clerk
Illinois Pollution Control Board