

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 1972

GRANITE CITY STEEL CO.     )  
                                  )  
                  v.   #72-363  
                                  )  
ENVIRONMENTAL PROTECTION )  
AGENCY   )

OPINION AND ORDER OF THE BOARD (by SAMUEL T. LAWTON, JR.)

Rule 103 of the newly adopted regulations with respect to the control of air pollution made provision for the application and issuance of operating permits for certain specified industries. Rule (b)(2)(A) provides that primary metal industries obtain an operating permit by November 1, 1972. Section (B) provides that applications for operating permits shall be submitted to the Agency 90 days prior to the date on which an operating permit is required provided, however, that the Agency may waive the 90 day requirement "when appropriate" and that if necessary to prevent an unmanageable workload as may be deemed appropriate, the Agency may extend the dates by which operating permits are required under Section A for a period not to exceed four months.

On August 30th we received copies of a petition filed by Granite City Steel Co. with the E.P.A. requesting waiver of the above provisions. On August 31, 1972 we received a petition for variance from Granite City Steel Co. with respect to the same provisions of the regulation which petition requested a twelve month extension from September 1, 1972 for the filing of an application for operating permit and for a variance from the provisions requiring operating permits to be obtained by November 1, 1972 for primary metal industry operation for a period of sixty days beyond the last day upon which an application for permit could be filed pursuant to the variance request with respect to the filing of application for permit above set forth. The alleged hardships justifying the variance are set forth but because we believe the petition for variance to be premature, we do not consider them on the merits.

The Section in question establishes administrative procedure allowing for extension of both the time for application for permit and the date by which it must be obtained. Petitioner has correctly pursued this route by its petition of August 30th filed with the E.P.A. and by pursuing this route has recognized that the Agency is in the first instance the entity to which such requests should be directed.

Until petitioner has pursued its administrative remedy before the Agency to modify the time schedules set forth in the regulation, any proceeding before this Board with respect to the Section involved is premature and accordingly the petition for variance is dismissed without prejudice.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion and Order on the 6<sup>th</sup> day of ~~September~~, 1972 by a vote of 4-0.

Christan L. Moffett