

ILLINOIS POLLUTION CONTROL BOARD  
April 17, 1973

GRANITE CITY STEEL COMPANY )  
 )  
 ) #73-26  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

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

This proceeding seeks an extension of the one year variances granted by the Board pursuant to Order entered in Granite City Steel Company v. Environmental Protection Agency, #70-34 (April 25, 1972). We are in receipt of a conditional waiver filed by Granite City Steel Company with respect to the 90-day period in which a final Order must be rendered pursuant to Section 38 of the Environmental Protection Act. The conditional waiver would extend such period for the rendition of an order until May 25, 1973 upon condition that the variances previously granted in case entitled Granite City Steel Company v. Environmental Protection Agency, #70-34 (April 25, 1972) likewise be extended to and including May 25, 1973.

Hearing on the variance petition has been completed. The Board is not presently in receipt of the transcripts and would be hard-pressed to render its decision in the requisite 90-day period. Accordingly, we extend the variances heretofore granted in Granite City Steel Company v. Environmental Protection Agency, #70-34 (April 25, 1972) to and including May 25, 1973, upon condition that Granite City Steel Company has waived its right to a final order on said petition for extension of variances until said date.

We have also received a motion of Granite City Steel Company to strike portions of the recommendation filed by the Environmental Protection Agency. Since the hearing has been completed and since the recommendation is only a pleading and not evidence, we will deny the motion to strike the recommendation but will consider both the contentions of the Agency and the Company in this regard in the rendition of our final order, to the extent appropriate.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 17<sup>th</sup> day of April, 1973, by a vote of 3 to 0.

Christan Moffett  
Clerk