

ILLINOIS POLLUTION CONTROL BOARD  
August 2, 1984

REPUBLIC STEEL CORP. )  
and LTV STEEL CO., )  
 )  
Petitioners, )  
 )  
v. ) PCB 81-47  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On July 30, 1984 the parties filed an agreed motion to consolidate this action, a permit denial appeal, with a variance petition filed the same day, PCB 84-111. The motion recites that the variance petition "relates to the limitations which the [Agency] contends, as a basis for the [1981] denial of the operating permit, are being violated," and that the parties believe it would be in the interests of the public and administrative economy for the matter to be disposed of on the variance petition...".

As a threshold matter, the Board notes that on June 29, 1984 it ordered that hearing in PCB 81-47 be scheduled within 30 days and held within 60 days of that date. On July 6, hearing was scheduled for August 9, 1984. The statutory decision date had, by written waiver, been extended only through July 9, 1984. The Board construes Republic's action in scheduling a hearing 30 days beyond the decision date as a pro tanto waiver of the decision date at least through August 9. Additionally, Republic's request for continuance of the August 9 hearing is consistent with extension of the waiver through that date.

The Board grants the motion to continue the hearing in PCB 81-47, and stays the case for 120 days, construing Republic's motion as giving a pro tanto waiver of the decision date. However, the motion to consolidate PCB 81-47 with PCB 84-111 is denied, as it would appear that the parties wish the Board to handle PCB 84-111 before PCB 81-47, rather than contemporaneously with it. The parties may, however, renew their motion to consolidate with a fuller explanation of why consolidation, rather than the stay here granted, better suits the needs of these two cases.

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 2<sup>nd</sup> day of August, 1984 by a vote of 6-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board