

ILLINOIS POLLUTION CONTROL BOARD
May 28, 1987

LTV STEEL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 87-68
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a May 20, 1987, petition filed by LTV Steel Company (LTV) for review of an April 16, 1987 denial of application for renewal of an air operating permit by the Illinois Environmental Protection Agency (Agency). The permit for which extension has been requested is currently under appeal in docket PCB 86-43. The Agency's stated reason for denial is that since the "appeal is still pending before the Pollution Control Board, pursuant to the Board's opinions in Alburn, Inc. v. IEPA, PCB 81-23, 24 and Abbott Laboratories v. IEPA, 81-33, the Agency cannot act" on the application for renewal. The Agency further stated that its failure to act could be treated as a denial, which LTV has done.

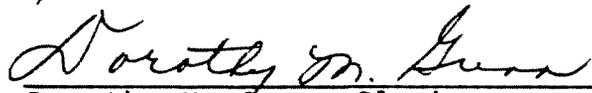
PCB 86-43 is due for decision in July of 1988. The present appeal is due well before that date. It is difficult to conceive of how the Board could act upon the extension of a permit the conditions of which have yet to be determined. At the same time, since the permit under review in PCB 86-43 has already expired by its own terms, it is understandable that LTV would take steps to protect itself from allegations of operation without a permit for the period of time subsequent to the expiration of the PCB 86-43 permit.

Due to the unusual, and perhaps unique, aspects of this proceeding, the Board is reluctant to proceed without further guidance from the parties as to the propriety of this appeal and the anticipated future course of the proceeding, especially as it relates to PCB 86-43.

The parties are hereby requested to file briefs on these issues on or before June 9, 1987. The Board will not authorize hearings on the petition until after that date.

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 28th day of May, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board