

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1978

UNITED STATES STEEL CORPORATION,)
)
Petitioner,)
)
v.) PCB 77-327
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Dumelle):

On January 9, 1978 Respondent filed a motion to dismiss this matter because it had not been filed within 45 days of the date of mailing of the Agency's final decision as required by Procedural Rule 502(a)(2). This position is based upon the assumption that June 22, 1977 is the date of mailing of the Agency's final decision.

Petitioner pointed out in its response to the Agency's motion that it supplied additional information in a letter dated September 30, 1977. Petitioner feels that this additional submission constituted a resubmittal of its original permit application. This position is supported by the fact that the Agency subsequently denied the subject permit in a letter dated October 31, 1977. The Petition for Review of Permit Denial was filed within 45 days of October 31, 1977.

Consequently, the motion to dismiss is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 19th day of January, 1978 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board