

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1979

MARQUETTE CEMENT MANUFACTURING CO., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 79-131  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

On June 28, 1979 Petitioner appealed the Agency's decision to deny an air operating permit for its portland cement manufacturing facility in Oglesby, Illinois. Although a hearing is mandatory and has been scheduled, none has been held within the 90 day decision period required by Section 40 of the Act. In addition, the Petition fails to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the ambient air quality standards as required by Procedural Rule 502(a)(2)(iv). Because no hearing has been held and the Petition is deficient, this matter is hereby dismissed without prejudice.

IT IS SO ORDERED.

Messers. Young and Werner dissent.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 20<sup>th</sup> day of September, 1979 by a vote of 3-2.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board