

ILLINOIS POLLUTION CONTROL BOARD  
October 16, 1992

LTV STEEL COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 91-49  
 ) (Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by R.C. Flemal):

On October 6, 1992, LTV Steel Company (LTV) filed their sixth status report in this proceeding and an agreed motion for stay and motion to file instanter. LTV also filed an open waiver of the decision deadline.

LTV states that this status report was due September 5, 1992, and was not timely filed due to negotiations with the Agency and its consultant, EA Engineering, regarding the scope of work. LTV states that the Illinois Environmental Protection Agency (Agency) has no objection to the granting of the motion. LTV asks that the Board grant leave to file its status report instanter. The Board grants the motion to file instanter.

The parties now report that the contract with EA Engineering has been finalized, that amendments to the initial scope of work are currently under review by the Agency, and that the timetable for completion of thermal studies should be determined after the amended scope of work is finalized. LTV then states that it believes that the initial scope of work can be completed in 90 days and that an additional 90 days will be required to report to the Agency and discuss the import of the findings in relation to the permit appeal and any future adjusted standard proceeding. LTV therefore requests that this matter be stayed for 180 days.

LTV also "seeks a Board order directing further reports be filed directly with the Hearing Officer and further stays to be at the discretion of that Hearing Officer with a right to appeal to the Board". (Agreed Motion at 2.) The Board is unclear whether, by this statement, LTV means that any future status reports will only be filed with the hearing officer, and not the Board. In any event, LTV may direct motions to the hearing officer as allowed by the Board's procedural rules. However the Board must still receive a copy of any motions filed, even if directed to the hearing officer. (See 35 Ill. Adm. Code 101.241 and 101.247.) Due to the age of this proceeding, however, any motions for additional stay of the proceeding shall be directed to the Board.

0136-0365