

This matter comes before the Commission upon ADPC&E's Motion to Dismiss filed on July 7, 1989, requesting the Commission to dismiss the Request for Review of Decision regarding the Prairie Grove NPDES permit filed by Kathy Carter-White and the Illinois River Association (Petitioner) on May 24, 1989.

ADPC&E seeks dismissal of the Request for Review of Decision because Petitioner failed to properly follow the requirements of Regulation No. 8, Administrative Procedures. Specifically, (1) no procedural basis exists for Petitioner's request for Commission review of the NPDES Branch Manager's letter informing Petitioner, that its comments were received after the close of the public comment period, (2) the Request for Review was filed several weeks past the filing deadline, and (3) Petitioner failed to provide service on all parties upon the filing of its Request for Review with the Secretary. In addition, ADPC&E seeks dismissal because the substantive grounds Petitioner presents for allowing its tardy comments to be made part of the official record are meritless.

Upon review of the record in this matter, the Commission finds that the Motion to Dismiss should be and is hereby granted.

COMMISSIONERS

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CHAIRMAN

SUBMITTED BY: Anne R. Bobo

DATE PASSED: 7-28-89