

ILLINOIS POLLUTION CONTROL BOARD
February 8, 1990

KESTER SOLDER DIVISION OF)
LITTON SYSTEMS, INC.,)
)
Petitioner,)
)
v.) PCB 90-2
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

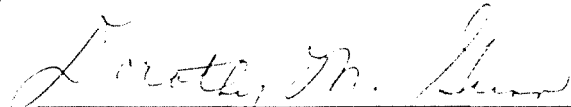
ORDER OF THE BOARD (by J. Anderson):

On January 12, 1990. the Agency moved to dismiss this permit appeal; Kester has filed no response. The Agency moved to dismiss on the grounds that, prior to the filing of this permit appeal, Kester had requested the Agency to reconsider its permit denial. The Agency notes that in similar situations, e.g. Caterpillar Tractor Co. v. IEPA, PCB 83-86, October 19, 1983, the Board has held that where the permittee has requested Agency reconsideration of a denial, and the request is still pending, there is no final Agency action over which the Board can take jurisdiction.

The Board agrees with the Agency's analysis. This matter is dismissed.

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 8th day of February, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board