

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1990

THE UNO-VEN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 90-99
) (Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On May 14, 1990, the Uno-Ven Company ("Uno-Ven") filed a petition for review of denial of HF Alkylation Unit 20 operating permit renewal application No. 89040004 for its facility located in Lemont, Illinois. Uno-Ven asserts that its application for renewal of its operating permit was denied by the Illinois Environmental Protection Agency ("Agency") on April 25, 1990, and that the Agency stated that Section 9 of the Environmental Protection Act ("Act") and 35 Ill. Adm. Code 201.141 and 201.160 might be violated.

Uno-Ven has informed the Board that on May 1, 1990 it requested the Agency to reconsider its decision denying renewal of its permit. However, the Board has no information from the Agency on whether this matter is under reconsideration.

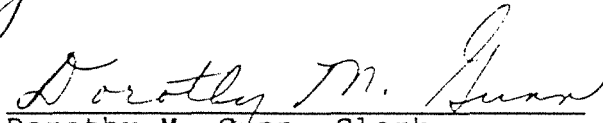
If this matter is, in fact, under reconsideration, the Board must decline to accept this matter for hearing. This is consistent with earlier decisions in which the Board found that it lacked jurisdiction to hear an appeal. See, e.g., Reichhold Chemicals, Inc. v. EPA, PCB 89-94, Order of June 8, 1989; Reichhold Chemicals, Inc. v. EPA, PCB 89-148, Order of November 8, 1989. See, also, Alburn, Inc. v. IEPA, PCB 81-23, March 19, 1981; Caterpillar Tractor Company v. IEPA, PCB 79-180, July 14, 1983; Joliet Sand and Gravel Co. v. IEPA, PCB 87-55, June 10, 1987; and IBP, Inc. v. IEPA, PCB 88-98, September 13, 1989.

The Board directs the parties to respond to whether this matter is under reconsideration by the Agency and, therefore, whether the Board lacks jurisdiction to entertain this appeal. A response is requested not later than June 4, 1990.

The Board notes that two pages of the petition are labelled "confidential", but no confidential information was received. If, in the future, Uno-Ven wishes to submit confidential information, the Board directs Uno-Ven's attention to Section 7 and 7.1 of the Act and to 35 Ill. Adm. Code 101.160 and 101.161.

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 24th day of May, 1990, by a vote of 27-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board