ILLINOIS POLLUTION CONTROL BOARD
September 11, 1986

ENRON CHEMICAL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 86-119
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

On August 26, 1986, the Illinois Environmental Protection Agency ("Agency") filed a Motion to Dismiss Enron Chemical Company's ("Enron") NPDES permit appeal stating, by affidavit, that the Agency had not yet taken final action on Enron's NPDES permit application. On September 2, 1986, Enron filed a response which stated, by affidavit, that the denial did relate to an NPDES permit. On September 11, 1986, the Agency filed an answer to response, which stated, by affidavit, that a final NPDES permit decision had not been made.

The Motion to Dismiss is denied. The issue of which determinations have been made by the Agency based on which applications (and which determinations are not yet final) is a disputed factual matter. It is not appropriate for Board determination based on conflicting affidavits. Conflicting factual matters are more appropriately addressed at hearing. The parties are free to renew the issue after hearing.

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 11th day of September, 1986, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board