

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1985

CATERPILLAR TRACTOR COMPANY,)
a California corporation,)
(Mapleton Plant),)
)
Petitioner,)
)
v.) PCB 83-58
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board on an April 26, 1983, permit appeal filed by Caterpillar Tractor Company ("Caterpillar"). The permit appeal challenged the Illinois Environmental Protection Agency ("Agency") March 22, 1983, denial of operating permits for Caterpillar's Boilers No. 1, No. 2 and No. 3 at the Mapleton plant. In a January 14, 1985, document entitled "Settlement Stipulation," Caterpillar and the Agency moved the Board to remand the present permit appeal back to the Agency for reconsideration. On February 7, 1985, the Board requested briefs on several issues including jurisdiction timing, reinstatement, and other matters. On March 1, 1985, the parties filed a Joint Brief in response to the Order.


That Brief recites the parties intention that any Board Order constitute "final action by the Board" and "final administrative action" and that "there will no longer be a proceeding before the Board to support subject matter jurisdiction." Any future disagreement between the parties would constitute "a new and distinct proceeding involving a new administrative record."

In a situation such as this, where all parties agree that the permit appeal proceeding be remanded to the Agency for further consideration of the original permit application along with supplemental information, and where waivers of the Agency and Board statutory deadlines for decision have been given, the Board finds that it is appropriate to remand the proceeding to the Agency, transferring jurisdiction to it and terminating the present proceeding before the Board.

IT IS SO ORDERED

Board Member Bill Foreade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of March, 1985, by a vote of 5-0.



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