

ILLINOIS POLLUTION CONTROL BOARD
February 5, 1998

EQUISTAR CHEMICALS, LP f/k/a)	
MILLENNIUM PETROCHEMICALS)	
CORPORATION f/k/a QUANTUM CHEMICAL)	
CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 97-81
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

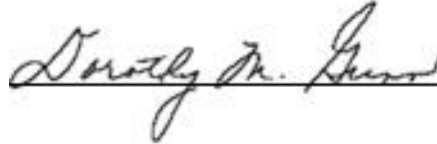
This matter concerns a permit appeal filed by petitioner Equistar Chemicals, LP (Equistar). The appeal contested five conditions attached to air operating permit No. 72121207 as issued to Equistar by the Illinois Environmental Protection Agency (Agency).

On January 16, 1998, Equistar and the Agency filed a Joint Motion to Remand. Equistar and the Agency observe that negotiations have produced agreement on each of the contested conditions.

The motion to remand is hereby denied. In asking the Board to remand this case without an adjudication for issuance of a permit in order to allow effectuation of what amounts to a "compromise" permit, the parties are in essence asking the Board to sanction an Agency reconsideration. Such reconsideration was ruled impermissible in Reichhold Chemicals, Inc. v. Pollution Control Board, 204 Ill. App. 3d 674, 561 N.E.2d 1343 (3rd Dist. 1990). If petitioner does not choose to litigate this appeal, it is free to file a motion to withdraw its petition.

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 5th day of February 1998, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board