

ILLINOIS POLLUTION CONTROL BOARD  
January 11, 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 B. Forcade):

On January 4, 1990, Kester Solder Division of Litton ("Kester") filed a Petition for Review of Permit Denial, and a Motion to Practice (Certified Mail filing appears to have been initiated on December 22, 1989, and Federal Express mailing appears to have been initiated on January 3, 1990). The motion for Mark V. Stanga to practice is granted Pro Hac Vice. The permit appeal is conditionally accepted, but the Board finds the petition deficient and will require filing of an amended petition. In addition the Board will ask for briefs on one issue.

The petition is deficient in that it fails to satisfy the requirements of 35 Ill. Adm. Code 105.102 (a)(2)(B), which requires:

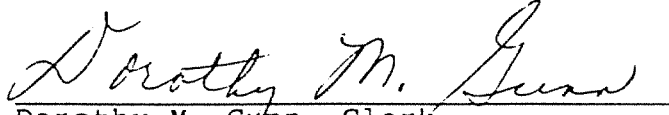
A complete and precise description of the facility ...including its location.

Unless an amended petition is filed within 45 days of today's Order curing the above noted defects, this matter will be subject to dismissal. Any such amended petition will restart the statutory deadline for decision. Also, a copy of the permit denial letter(s) would greatly assist the initial docketing.

On one additional matter, the Board notes that this appeal appears to consolidate two permit appeals (Operating Permit No. 86040022 and Joint Construction and Operating Permit No. 89080063). Consolidated permit appeals are quite unusual and before accepting such consolidated appeal the Board Orders that memoranda be filed on whether such consolidation is necessary and appropriate, i.e., are there such common questions of law and fact as to require consolidation. Obviously, Kester is free to file the appeals separately if such commonality does not exist. These memoranda must be filed with the Board not later than February 2, 1990.

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 11<sup>th</sup> day of January, 1990, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board