

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 1989

CERRO COPPER PRODUCTS COMPANY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 88-152  
 )  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by J. Marlin):

On January 19, 1989, Cerro Copper Products Company (Cerro) filed a Motion to Dismiss its own appeal of certain permit conditions. For support of the motion, Cerro asserts first that the Illinois Environmental Protection Agency (Agency) and Cerro have resolved certain issues in this matter. Secondly, Cerro states that the Agency sent Cerro a letter "waiving the applicability of 35 Ill. Adm. Code 201.162". A copy of the letter inadvertently left off the motion was filed by Cerro on February 1, 1989. The motion concludes by stating:

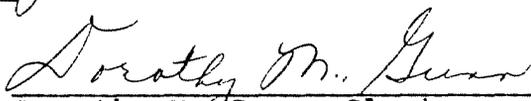
[I]f the Board concludes that the Agency's waiver letter is sufficient to protect Cerro from enforcement for failure to comply with 35 Ill. Adm. Code 201.162, Cerro hereby requests the Board to dismiss this matter.

The Board takes no position as to whether the Agency's letter is sufficient to protect Cerro from enforcement of Section 201.162. Cerro's motion is granted, and this matter is dismissed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 2nd day of February, 1989, by a vote of 7-0

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board