

ILLINOIS POLLUTION CONTROL BOARD  
August 9, 1990

ESG WATTS, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 90-95  
 ) (Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Marlin):


This matter comes before the Board on a Motion to Dismiss filed by the Illinois Environmental Protection Agency ("Agency") on August 2, 1990. The motion alleges that the permit appeal filed by Petitioner ESG Watts, Inc. on July 17, 1990 is substantially the same as the one previously filed on May 7, 1990 and should therefore be dismissed.

Portions of the petitioner's prior permit appeal were stricken by Board Order of June 21, 1990, as being unrelated to the issues in the NPDES permit denial. The order allowed ESG Watts, Inc. to file an amended permit appeal in order to cure perceived deficiencies in the allegations which remained after the irrelevant portions were stricken. Instead petitioner filed the present permit appeal and accompanied it with its Motion to Consolidate. The motion was denied by the Board on July 19, 1990. The motion attempted to consolidate with the prior NPDES permit appeal the matters relating to the denial of a RCRA Part B permit application.

In its Order of July 19, 1990 denying the motion, the Board stated that it "has not received a formal appeal of the Agency's June 27, 1990 denial of the RCRA permit." That order reiterated that the Board found the issues involved in the two Agency denials to be unrelated. Our examination of the present permit appeal finds that petitioner's filing contains the same defect as its prior one did. It contains many allegations relating to the RCRA permit denial. Given the above, the Agency's motion to strike the unrelated RCRA issues is granted. All allegations in the July 17, 1990 permit appeal relating to the denial of the RCRA permit are hereby stricken. The Agency is directed to file its answer and all documents required by 35 Ill. Adm. Code 105.102(b)(5).

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 9th day of August, 1990, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board