

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

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In re:	)	
	)	
	)	
Clayton Chemical Acquisition, L.L.C.	)	RCRA Appeal No. 98-1
d/b/a Resource Recovery Group, L.L.C.	)	
	)	
	)	

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**ORDER DISMISSING APPEAL**

Petitioner Clayton Chemical Acquisition, L.L.C. d/b/a Resource Recovery Group, L.L.C. ("RRG") and U.S. EPA Region 5 have jointly moved the Environmental Appeals Board to dismiss the above-captioned petition for review for lack of jurisdiction. Specifically, the movants jointly represent that:

U.S. EPA and RRG agree that the appeal submitted by RRG on February 27, 1998, should be dismissed because the appeal does not raise any federally appealable issues and therefore the Environmental Appeals Board \* \* \* lacks jurisdiction to review the appeal.

Joint Motion to Dismiss at 1.

Given RRG's acknowledgment that the Board lacks jurisdiction over this matter, the Board hereby grants the parties' joint

motion to dismiss. RCRA Appeal No. 98-1 is, accordingly,  
dismissed with prejudice in its entirety.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_/s/\_\_\_\_\_  
Ronald L. McCallum  
Environmental Appeals Judge

Dated: 4/28/98

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date indicated below, copies of the foregoing Order Dismissing Appeal in the matter of Clayton Chemical Acquisition, L.L.C. d/b/a Resource Recovery Group, L.L.C., RCRA Appeal No. 98-1, were sent to the following persons in the manner indicated:

By first-class mail:

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/s/

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Annette Duncan  
Secretary

Dated: 4/28/98