

ILLINOIS POLLUTION CONTROL BOARD  
July 23, 1981

CITIZENS AGAINST HAMPTON TOWNSHIP, )  
LANDFILL, )  
 )  
Complainant, )  
 )  
v. ) PCB 81-112  
 )  
DAVID R. BLEDSOE, ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, DAVE LIGINO AND )  
STEVE LIGINO, )  
 )  
Respondents. )

ORDER OF THE BOARD (by J.D. Dumelle):

On July 13, 1981, Citizens Against Hampton Township Landfill filed a formal complaint in this matter alleging violations of various sections of the Environmental Protection Act (Act) and various Board regulations in the granting of a permit for a landfill. The complaint seeks revocation of that permit. There is no allegation that the landfill is a hazardous waste disposal site.

Landfill, Inc. v. PCB (74 Ill. 2d 541, 387 N.E. 2d 258, PCB 75-440) held that, absent express legislative authorization, the Board has no power to authorize third parties to file permit revocation proceedings on grounds that the Illinois Environmental Protection Agency (Agency) had violated the Act in granting the permit. The same reasoning would necessarily apply to violations on the part of the applicant obtaining the permit.

Therefore, the Board holds that it lacks the authority to consider those counts of the complaint which allege violations with respect to the permit grant. Further, while the Board may have the power to consider those counts which allege the threat of pollution (387 N.E. 2d at 265), since the only relief requested is the revocation of the permit, which cannot be granted in this proceeding, the complaint is hereby dismissed in its entirety.

The Board notes that S.B. 172, which would allow third party permit appeals concerning sanitary landfills, is currently awaiting the Governor's signature, but that the bill has not yet been signed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23<sup>rd</sup> day of July, 1981 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board