

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1973

ILLINOIS DEPARTMENT OF TRANSPORTATION)
)
)
 v.) PCB 73-315
)
)
 ENVIRONMENTAL PROTECTION AGENCY)
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

Petition filed August 1, 1973 with the Board is to "use broken concrete and quarry stone in the control of erosion." No Rule from which variance is desired is named.

The Environmental Protection Agency in its Motion to Dismiss Petition for Variance filed September 4 points out that the use of broken concrete and quarry stone to prevent erosion is a sound land conservation practice; fulfills the purpose of Title V of the Environmental Protection Act; and that the materials so used do not fall within the definition of "refuse" as it appears in the Act.

The Agency moves for a dismissal without prejudice and states that no variance is required to do what the petitioner wants to do. We agree.

ORDER

The variance petition is dismissed as moot, without prejudice.

IT IS SO ORDERED.

Mr. Odell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of September, 1973 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board