

ILLINOIS POLLUTION CONTROL BOARD
April 6, 2000

HERITAGE ENVIRONMENTAL SERVICE)	
INC.)	
)	
Petitioner,)	
)	
v.)	PCB 96-146
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On March 17, 2000, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss this permit appeal. The petitioner responded to the motion on March 28, 2000.

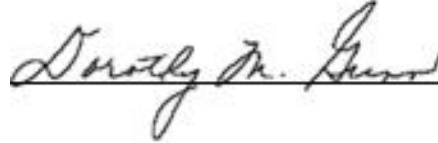
The Agency, in its motion, concedes that “Special conditions (B)(10) and (B)(11) and Attachments 1, 2, & 3 of Section VI (Special Conditions) of the RCRA Part B Permit” should be removed. The Agency maintains that the removal of these conditions would “essentially be the relief sought” by petitioner. Therefore the Agency asks that the Board enter an order dismissing the permit appeal and either: 1) require the Agency to remove the conditions from the RCRA Part B permit upon petitioner filing of an application to modify the permit; or 2) require the Agency to simply strike the conditions.

The petitioner urges the Board to require the Agency to simply strike the conditions.

The Board has reviewed the petition for review filed on December 28, 1995, and the Board agrees with the Agency and the petitioner. The removal of the conditions will grant the relief requested by the petitioner. Therefore, the Board will grant the motion to dismiss and directs the Agency to strike “Special conditions (B)(10) and (B)(11) and Attachments 1, 2, & 3 of Section VI (Special Conditions) of the RCRA Part B Permit.”

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 6th day of April 2000, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board