

that requires the Board to specify major population areas according to any one of these schemes. If Chapter 2 contained a delegation of jurisdictional authority to township government, then it would be necessary to be more specific to avoid overlapping jurisdictions. Such is not the case. The intent of the Board was to designate a certain area of high population density in an understandable manner. The question is simply whether the regulation reasonably informed Respondent that it was in a major population area.


Respondent must know that the rule is intended to regulate elevators in regions of high population density and that its elevator is in such a region. Furthermore, Respondent was represented at the hearing through the Grain and Feed Association and is properly chargeable with knowledge of the exhibits and testimony. Moreover, Respondent's application for an operating permit was denied by the Agency on October 21, 1976. Respondent apparently did not raise this issue before the Agency and did not appeal. (Since this case was docketed, Respondent has reapplied for a permit and appealed the denial in PCB 79-167). Respondent waited four months after the original complaint was filed in this proceeding to raise the issue by a motion to dismiss. Respondent has proceeded on the assumption that the elevator was located in a major population area. The regulation was therefore sufficient to actually inform Respondent of the intent.

The motion is denied.

IT IS SO ORDERED.

Mr. Young concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6th day of September 1979 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board