

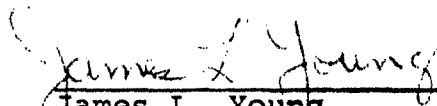
ILLINOIS POLLUTION CONTROL BOARD  
November 10, 1977

C. A. HEMPHILL & ASSOCIATES, )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-204  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Respondent. )

CONCURRING OPINION (by Mr. Young):

I concur in the action of the Board in dismissing the permit denial appeal but for a different reason.

Section 40 of the Environmental Protection Act provides, in part, that "If the Agency refuses to grant a permit under Section 39 of this Act, the applicant may petition for a hearing before the Board to contest the decision of the Agency." (Emphasis added.) The Village of Lake Bluff was the applicant for the permit denied under the facts here. C. A. Hemphill & Associates is not the proper party under the statute to bring the action and their petition should have been dismissed for that reason alone.

  
\_\_\_\_\_  
James L. Young

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted to me on the 17<sup>th</sup> day of November, 1977.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board