


ILLINOIS POLLUTION CONTROL BOARD
December 20, 1977

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|--------------------------|---|------------|
| WHITE FENCE FARM, INC., |) | |
| an Illinois Corporation, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 76-283 |
| |) | |
| LAND AND LAKES COMPANY, |) | |
| an Illinois Corporation, |) | |
| |) | |
| and |) | |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondents. |) | |

DISSENTING OPINION (by Mr. Young):

The Motion to Dismiss for want of jurisdiction should have been granted and the Complaint dismissed.

I do not believe that a permit granted by the Agency can be revoked in any proceeding other than in an enforcement complaint against the permittee under Section 31 of the Act for violation of the Act, regulations, or of the permit or of any term or condition thereof. The Act does not authorize any action before the Board to contest Agency issuance of a permit. (See Dissenting Opinion, dated February 2, 1978, in WIPE v. EPA and Village of Winnetka, PCB 77-320, ___PCB___.)


James L. Young

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted to me on the 16th day of February, 1978.


Christan L. Moffett, Clerk
Illinois Pollution Control Board