

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 1976

BEN COOPER, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 74-228  
 )  
 )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon the Second District Illinois Appellate Court's Order reversing the Board's original Order in this matter and remanding the cause to the Board. See 15 PCB 67, 15 PCB 293.

The Appellate Court based its reversal upon the recent Illinois Supreme Court case North Shore Sanitary District v. Pollution Control Board, 62 Ill.2d 385, 242 N.E.2d376 (1976). The Court in NSSD, supra, held that the Agency imposed sewer ban did not revoke pre-existing permits. The Board, therefore, revises its Opinion of January 23, 1975, and dismisses the variance petition herein as moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 15<sup>th</sup> day of September, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board