

ILLINOIS POLLUTION CONTROL BOARD  
February 17, 1977

JOHN SEXTON CONTRACTORS CO.,            )  
  )  
                                  Petitioner,    )  
  )  
                                  v.                )     PCB 75-478  
  )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
  )  
                                  Respondent.    )

ORDER OF THE BOARD (by Mr. Zeitlin):

The instant matter was filed originally before the Board in a "Complaint" submitted December 17, 1975, by Petitioner John Sexton Contractors Co. The issues in the case were the subject of an Interim Order by this Board issued on March 25, 1976, on Motions for Summary Judgment and Dismissal, and need not be reiterated again in detail here.

Subsequent to hearing, the principal parties agreed to a stay, allowed by several Interim Orders of the Board, while Petitioner submitted certain siting and zoning data for evaluation by the Environmental Protection Agency (Agency). That has apparently been done, and the Agency on September 13, 1976, did issue a supplemental developmental permit for the solid waste management site in question.

Based on that supplemental permit, Petitioner on February 8, 1977, moved for dismissal. Petitioner alleges that the instant case has been mooted by its agreement with the Agency on permit issuance and content.

It may be argued that the supplemental permit cited by Petitioner in its Motion would not of itself constitute adequate grounds for such dismissal, in that (1) there are other issues before us, (e.g., R. 64); and (2) the Permit purports to grant a Variance from Rule 314(h) without regard to Rule 207(a). Those issues are not before us, however, and we need not decide them.

Petitioner seeks dismissal of its "Complaint," and we shall grant the Motion without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 17th day of February, 1977, by a vote of 4-0.

Christan L. Moffett OK

Christan L. Moffett, Clerk  
Illinois Pollution Control Board