

ILLINOIS POLLUTION CONTROL BOARD
November 14, 1972

ENVIRONMENTAL PROTECTION AGENCY)	
)	
v.)	#72-149
)	
LOCKPORT TRUCKING CO., et al.)	
)	
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)	
v.)	#72-229
)	
ENVIRONMENTAL PROTECTION AGENCY)	

Supplemental Opinion (by Mr. Currie):

Our Opinion and Order of October 24, 1972 was a final disposition of the enforcement case and the variance case then before us. Since, as the petitioners indicate, the Agency may not issue a permit to dump in standing water, the proper course is to reapply for a variance and prove to the Board that the deposition of refuse in the standing water of the Lockport Trucking Co. quarry will not pollute waters of the State of Illinois. See School Building Comm. v. EPA, #71-247, 2 PCB 695 (Oct. 26, 1971). If a variance is granted, a permit may issue provided all other requirements are met. Both permit and variance may be pursued concurrently if desired to avoid delay. We shall expedite hearing to the extent practicable upon receipt of a petition.

Mr. Henss dissents, believing we should hold a permit may issue upon proof satisfactory to the Agency that the deposition will not cause water pollution.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Supplemental Opinion this 14th day of November, 1972, by a vote of 4-1.

Christan P. Moffett