

ILLINOIS POLLUTION CONTROL BOARD
December 12, 1972

CATERPILLAR TRACTOR CO.)
)
) #72-374
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

A petition for review in the nature of an appeal from the denial by the Environmental Protection Agency of certain permits requested by petitioner was filed with the Board on September 18, 1972. The permits requested related to authorization to conduct open burning for instruction in fire fighting on the premises of petitioner at Aurora, Decatur, East Peoria, Joliet, Mapleton, Morton and Mossville. The permits were granted subject to a standard condition which limited burning between the hours of 10:00 A.M. and 4:00 P.M. Petitioner contends that such limitation would nullify the purpose for which the permits are sought and asks for the entry of an order reversing the Agency's determination and directing the granting of permits without the inclusion of the standard condition aforesaid.

The Agency has filed a motion to dismiss setting forth that subsequent to the filing of the petition with the Board, permits have been granted to petitioner with respect to the Decatur, Aurora and Joliet sites which do not include the prohibition on nighttime burning and that the remaining permits have expired by their own terms. Accordingly, it does not appear that anything remains for the Board to pass upon and the petition of Caterpillar Tractor Co. is dismissed as moot without prejudice to future consideration by the Board of any subsequent permit application raising the same or similar issues as contained in the company's petition.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was entered on the 12th day of December, 1972, by a vote of 3 to 0.

Christan J. Moffett