

ILLINOIS POLLUTION CONTROL BOARD

August 29, 1974

KATHRYN O'CONNOR, et al,            )  
                                          )  
                                  Complainants,    )  
                                          )  
                          vs.                    )     PCB 73-3  
                                          )  
THE CITY OF ROCKFORD, a municipal)     )  
corporation,                                    )  
                                          )  
                                  Respondent.     )

Maynard & Brassfield on behalf of Complainants  
A. Curtis Washburn, Assistant City Attorney, on behalf of City  
of Rockford

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

Complaint was filed by Kathryn O'Connor and Others, against the City of Rockford, alleging that a permit authorizing the City to install and operate a solid waste disposal site in the unincorporated area of Winnebago County was improperly issued by the Environmental Protection Agency. The permit was issued on May 26, 1972. Complainants contended that the refuse disposal site failed to conform to local zoning requirements and that access roads to the disposal site were inadequate.

Subsequently, the Supreme Court of Illinois in O'Connor vs. City of Rockford, 52 Ill. 2nd 360, rendered a decision involving the same land and the same parties. The present permit, however, was not involved in the Supreme Court decision.

On August 1, 1973 the Attorney General informed us that the permit had lapsed and that the controversy so far as the present complaint is concerned is moot. Condition 8 of the permit states:

"This permit is void one year from the date of issue unless installation of this project has started on or prior to the date of expiration".

On October 4, 1973 we entered an Opinion and Order which, while indicating that the matter was probably moot, did give the City of Rockford the opportunity to prove that the permit is still valid. We directed the City of Rockford to advise the Board within 15 days if it contends that the May 26, 1972 permit is still in force and effect.

Rockford has not responded to that Order and we conclude that the City of Rockford acquiesces in the Attorney General's view of this matter. Therefore, it is our finding that there is nothing before the Board for adjudication and the case is hereby dismissed as moot.

ORDER

It is the Order of the Pollution Control Board that this matter be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 29<sup>th</sup> day of August, 1974 by a vote of 5 to 0.

Christan L. Moffett