

ILLINOIS POLLUTION CONTROL BOARD
July 26, 1973

CITY OF SANDWICH,)
)
 Petitioner,)
)
 v.) PCB 73-258
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

ORDER OF THE BOARD (by Mr. Seaman):

The Environmental Protection Agency, by William J. Scott, Attorney General, has filed a Motion to Dismiss without prejudice the Petition for Variance filed by the City of Sandwich in the above-captioned cause.

The City of Sandwich has requested a Variance to allow a construction permit to be issued by the Agency without the necessity of filing an approvable Project Completion Schedule. The Agency contends that the request should be construed as an exemption from Rule 921(d) of Chapter 3: Water Pollution Regulations of Illinois (Chapter 3).

On June 28, 1973, this Board approved a proposal to void the effectiveness of Rule 921(d) and remove it from Chapter 3. On June 20, 1973, the Agency issued to the City of Sandwich a Supplemental Permit #1972-AB-473-2, thereby extending the construction permit deadline from June 26, 1973 to June 26, 1975. The Agency submits that, on the basis of the facts set out above, the Petition for Variance should be dismissed on the ground of mootness.

The Petition for Variance of the City of Sandwich is hereby dismissed without prejudice, as this Board is satisfied that the cause has been rendered moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 26th day of July, 1973, by a vote of 4 to 0.

