

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1975

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainants, )  
 )  
 v. ) PCB 75-368  
 )  
 LINCOLN STONE QUARRY, INC., et al, )  
 )  
 Respondents. )

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

This matter comes before the Pollution Control Board, (Board), upon the October 22, 1975, Motion to Dismiss of Respondent Commonwealth Edison Company, (Edison).

Edison's first contentions are substantially the same as those raised by Respondent First National Bank of Joliet's Motion of October 20, 1975. In a companion Opinion, today, we have decided those issues and have denied that Motion. In addition, Edison has no standing to raise a defense for other Respondents.

Edison contends that, under Section 21(e) of the Environmental Protection Act, (Act), it is not required to have an operating permit as it is merely disposing of self-generated waste materials. The Board notes that Edison has not seen fit to provide the Board with affidavits to support this statement of fact.

Edison states that the Board's reasoning in EPA v. City of Pontiac, PCB 74-396, was incorrect. The Board reaffirms its interpretation of Section 21(e) of the Act. Whether Rule 305 of the Solid Waste Regulations applies in the absence of a permit is irrelevant to the issue of whether Respondent is required to obtain a permit.

The purpose of the Act is to protect the State's environment and, in so doing, protect the health and property of the citizens of the State of Illinois. The permit system is designed to assure the proper disposal of refuse so as to prevent injury to the environment and the public. To allow the unsupervised disposal of large quantities of refuse would not only undermine the permit system but also the plain intent of the Act. The Board must affirm its Opinion in City of Pontiac, supra.

In any case, Edison actually raises a question of mixed fact and law which cannot be resolved until hearings have been held.

Edison's Motion to Dismiss will, therefore, be denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Opinion and Order were adopted on the 6<sup>th</sup> day of November 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board