

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1987

SCHROCK/A TAPPAN DIVISION,)
)
 Petitioner,)
)
 v.) PCB 86-204
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On April 27, 1987, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss this proceeding. The Agency issued an operating permit to Schrock in accordance with the Board's decision in PCB 86-205, March 5, 1987, and that accordingly this proceeding is moot. On May 8, 1987, Schrock filed a reply in opposition. On May 14, 1987, the Agency filed an agreed motion for leave to file reply in support of motion to dismiss and reply brief in support of motion to dismiss. The Board will deny the motion to dismiss at this time. The Agency is free to refile that motion after a final determination by the Board on the motion for reconsideration in PCB 86-205.

IT IS SO ORDERED

Chairman J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14th day of May, 1987, by a vote of 5-1.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board