

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1985

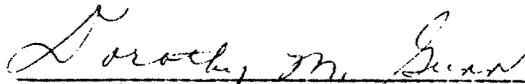
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 85-53, 85-54
	)	85-102
CONTINENTAL GRAIN COMPANY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.D. Dumelle):

These matters come before the Board upon motions to dismiss filed November 20, 1985 on behalf of the Continental Grain Company. The Illinois Environmental Protection Agency (Agency) responded on December 6, 1985. Continental contends that since the Agency has now "issued construction permits to Continental for the installation of a tip aspirated control system" for the affected facilities to bring them into "unquestioned compliance," these enforcement actions should be dismissed. The Agency correctly responds that such compliance "would not render moot or otherwise dispose of the question of a penalty for past non-compliance." For that reason, Continental's motions are hereby denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20<sup>th</sup> day of December, 1985 by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board