

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

C.C.D. DISPOSAL, INC.,)
Petitioner,)
)
v.) PCB 75-127
)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the petition of C.C.D. Disposal, Inc. (C.C.D.) for variance from Rule 202(a) of the Solid Waste Regulations for 18 weeks until July 30, 1975. On May 2, 1975 the Environmental Protection Agency (Agency) filed its recommendation that the variance be granted. A hearing was held July 1, 1975, at which time there was testimony from residents of Antioch in opposition to the variance.


On the basis of the hearing and the Agency recommendation, the Board finds that much of the alleged hardship in this matter was self-induced. However, Petitioner was granted an Operating Permit in August of 1975. This fact, together with the fact that the time period for which the variance was sought has expired, leads the Board to the opinion that C.C.D.'s petition is now moot. Owens-Illinois, Inc. v. E.P.A., PCB 75-7 (1975). Therefore, C.C.D.'s petition will be dismissed.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that the Petition for Variance in this matter be, and is hereby, dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of October, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board