

ILLINOIS POLLUTION CONTROL BOARD

May 23, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.)
)
 SCM CORPORATION, a New York)
 corporation, Glidden-Durkee Division)
) PCB 74-79
 Respondent.)

 GLIDDEN-DURKEE, a division of SCM)
 Corporation,)
)
 Petitioner,)
)
 vs.)
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Marvin Benn, Assistant Attorney General for the EPA
Joseph S. Wright, Jr., Attorney for Glidden-Durkee

ORDER OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency filed its Complaint against Respondent SCM Corporation, Glidden-Durkee Division, alleging that the Company had operated its manufacturing facility in Chicago without first obtaining operating permits from the Illinois Environmental Protection Agency. It is alleged that this constitutes a violation of Rule 103(b)(2) of Chapter 2, Part 1 of the Air Regulations and a violation of Section 9(b) of the Environmental Protection Act.

Respondent then filed a Cross Petition for Review of Permit Denial. In its Petition Respondent alleged that it had submitted and resubmitted applications for operating permits for all emission sources within the plant and that all of the applications show that the facilities at the plant are in compliance with relevant Rules and Regulations. The Company alleges that the EPA wrongfully denied the operating permits.

The Agency now moves to dismiss its Complaint. In support of the Motion for Dismissal the Agency states that it has decided to grant the permits in question since it now believes Respondent has not caused air pollution at its facility. The Agency states that with the decision to grant the permit, the case is moot.

We shall allow the Motion and Dismiss the Complaint and Cross Petition as moot. In any event we should have dismissed the Cross Petition since it did not comply with our Procedural Rules.

ORDER

It is Ordered that the Complaint and Cross Petition be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 23rd day of May, 1974 by a vote of 5 to 0.

Christan L. Moffett