

ILLINOIS POLLUTION CONTROL BOARD
March 15, 1973

VILLAGE OF VERNON HILLS)
)
) #72-411
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

A communication was received from the Village President of Vernon Hills stating that the Village sought revocation of Environmental Protection Agency Permit ID 519740 dated December 9, 1971. The letter recites that the Village is concerned about a possible agreement between the Village of Mundelein and Allied Chemical Company for construction of an asphalt plant to be located north of Route No. 60 and bounded on the east by the Soo Line and on the north by the E. J. & E. Railroad.

Reference is made to a contemplated 600-acre development consisting of residential units and a shopping center complex, which would be immediately east of the proposed asphalt plant, which development, we assume, is within the Village of Vernon Hills. Reference is also made to additional land that has been annexed by the Village on which more residential development is contemplated, also in the vicinity of the asphalt plant.

The gravamen of the complaint appears to be that odors, fumes and particulates might be generated by the asphalt plant having an adverse effect on the residents of the Village. The communication, to the extent that it is construed as a complaint, must be dismissed. The matters alluded to are highly speculative and do not constitute the basis of a cause of action at the present time. We must assume, absent a showing to the contrary, that the granting of a permit by the Environmental Protection Agency was conditional upon compliance with all relevant regulations as to particulate emissions into the air and assurance against odor nuisance.

The complaint is accordingly dismissed without prejudice. In the event the Village of Vernon Hills can demonstrate the actual or likely violation of any relevant regulation or statutory provision and provide adequate facts to sustain its allegation, the Board will reconsider its complaint at such time.

I, Christian Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 15th day of March, 1973, by a vote of _____ to _____.

[Handwritten signature]