

ILLINOIS POLLUTION CONTROL BOARD
June 13, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-215
)
OLIN CORPORATION, (JOLIET),)
a Virginia Corporation,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the May 23, 1975, complaint of the Environmental Protection Agency (Agency) charging Olin Corporation (Olin) with violation of Rule 103(b)(2) of the Air Regulations in that Olin allegedly operated three coal fired boilers without an operating permit from May 1, 1973 until the filing of the complaint.

On June 5, 1975, the Agency filed a motion to dismiss upon two grounds:

1. That Olin had filed a permit application on July 13, 1973, said permit being issued August 8, 1973; and
2. That prosecution could only find a technical violation and that any penalty imposed "would probably be characterized by the Illinois Appellate Court, Third District, as punitive in nature...."

While the Board finds the Agency's first ground for dismissal to be sufficient, it takes umbrage at the Attorney General's unsought interpretation of the Illinois Supreme Court opinions cited in its motion. That verbiage is not only irrelevant, but is immaterial to the motion to dismiss.

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

ORDER

It is the ORDER of the Board that this cause be and is hereby dismissed with prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of June, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board