

Dissenting Opinion
LINDGREN FOUNDRY CASE

I concur with many of the points made in the original opinion.

I also support views in the dissenting opinion of Mr. Kissel. They do not contradict any specific items in the original opinion.

Based upon the assumption that the Pollution Control Board can insist upon adequate assurance of compliance within a reasonable period of time (as outlined by Mr. Kissel), I dissent from the original opinion. I feel that the variance should be approved.

Though I am concerned over the nuisance to persons living in the vicinity of Lindgren Foundry if it is permitted to operate as proposed by the new owners, my concern is even deeper for the workers who will be denied an opportunity to work and make a living if the variance is rejected. Persons who would be affected by nuisance emissions have already enjoyed a 6-month reprieve. Meanwhile, workers have suffered a financial hardship which, according to the testimony, may become permanent if the variance is denied with the result that the new owners abandon the project. Put another way, the nuisance will be terminated within 9 months (7 months net operating time) whereas the unemployment status of some workers is indefinite at best.

Much is made of the additional cost of upkeep of houses due to foundry emissions, but a professional painter testifying for the prosecution stated that emissions from the foundry did not cause deterioration of the paint. Most of the witnesses bought their homes while the foundry was in operation. To the extent that their allegations are correct about the effect on upkeep, they almost certainly benefitted from a lower purchase price.

I cannot judge the validity of the statement that the foundry will close unless a variance is granted. If the new owners have used it only as a threat to obtain a variance, they demean themselves and do an injustice to the free enterprise system in which most Americans believe.

Samuel R. Aldrich
Member, Pollution Control Board

SRA:lf

