

ILLINOIS POLLUTION CONTROL BOARD
April 14, 1971

The League of Women Voters)	
of Illinois, et al.)	PCB 70-7
)	70-12
v.)	70-13
)	70-14
North Shore Sanitary District)	

Opinion of the Board (by Mr. Kissel):

On April 1, 1971, the Complainants, Loraine Facktor, Emanuel Winston, et ux Paul Brown, et ux, and the Committee to Save Highland Park, through their attorney, Mr. Joseph A. Lamendella, filed a Motion with the Pollution Control Board to withhold a decision in this matter pending the introduction of additional medical evidence. The Motion states that the evidence would consist of the testimony of a microbiologist who would testify, inter alia, on the matters of "epidemiology of waste-associated disease." The microbiologist would also testify, according to the Motion, concerning studies of sewage treatment methods as reported in various journals which were published in 1966, 1967, 1968 and 1970. The Complainants would also introduce "additional testimony of Dr. Bertram Carnow." The Motion alleges that the information came to the attention of the attorney for the Complainants on March 30, 1971, and an additional 30 days would be necessary to compile the medical factors and to request a study of epidemiology of waste-associated disease by the Department of Public Health of the State of Illinois.

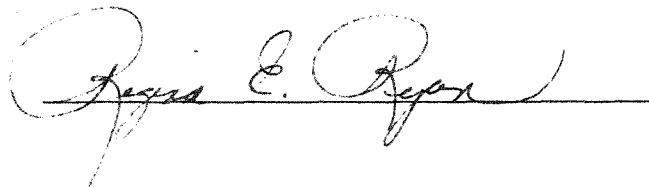
The Pollution Control Board rendered its decision in the above case on March 31, 1971, one day before the Motion had actually been received in the offices of the Pollution Control Board. While this would be reason enough to deny the Motion, this Board feels that Motions of this kind after a full hearing has been held must not be granted unless there is new evidence not available before or during the hearing which comes to the knowledge of the parties subsequent to the hearing in the case. The new evidence in this case would consist of testimony of a microbiologist who would testify as to articles which were published much before the hearing was held in this case, in November and December of 1970. Certainly, this evidence was available to the Complainants prior to the date of the hearing had they done an adequate job in investigating their own case. The other testimony which they wish to introduce is "additional testimony of Dr. Carnow." Dr. Carnow

appeared as a witness in the hearing and presented direct evidence and was cross examined by the other parties in this case. There is no allegation that the evidence Dr. Carnow would present is new or novel or was learned by Dr. Carnow subsequent to the date of the hearing.

Motions such as these after a full hearing has taken place would merely cause a delay in the enforcement of an already published decision of the Board. Therefore, the Motion must be and is hereby denied.

Samuel T. Lawton, Jr. did not participate in the consideration of or decision in this matter.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion this 14th day of April, 1971.

A handwritten signature in cursive script, reading "Regina E. Ryan", is written over a horizontal line. The signature is fluid and somewhat stylized, with the first and last letters of the first and last names being particularly prominent.