ILLINOIS POLLUTION CONTROL BOARD

December 5, 1974

REPUBLIC STEEL COMPANY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 73-551
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

DISSENTING OPINION OF MR. HENSS:

I dissent from the Opinion and Order. The Clean Air Act, the National Ambient Air Quality Standards and the Illinois Implementation Plan together establish a compliance deadline which cannot be extended by our variance order. Under the Implementation Plan compliance with the National Ambient Air Quality Standards must be achieved by July 1975. The Opinion and Order adopted today by a majority of the Illinois Pollution Control Board purport to extend the compliance date for Republic Steel past the attainment deadline of June 30, 1975. This the Board cannot and should not do.

There is the possibility that a procedure will be developed for coordinating the action of State and Federal agencies in their efforts to establish valid attainment dates for individual sources. Until such procedure has been established and the parties can prove that they are acting in accordance with it, the Board should refuse to extend attainment deadlines beyond June 30, 1975.

Donald A. Henss
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Dissenting Opinion was filed this 24th day of January, 1975.

Christan L. Moffett