

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1972

METROPOLITAN SANITARY DISTRICT)
OF GREATER CHICAGO)
v.) # 72-111
ENVIRONMENTAL PROTECTION AGENCY)

ENVIRONMENTAL PROTECTION AGENCY)
v.) # 72-135
METROPOLITAN SANITARY DISTRICT)

Opinion & Order of the Board on Motion for Clarification and Stay
(by Mr. Currie):

Our order of June 29, 1972 in these cases granted a variance on certain conditions including the payment of money penalties for past violations. Desiring to seek judicial review, the District asks us to stay the penalty pending review, and to clarify whether payment of the penalty is a condition of the variance. It is, as the order says; but in accord with precedent (e.g., Spartan Printing Co. v. EPA, #71-19 (June 23, 1971), we grant the stay pending review, waiving appeal bond pursuant to statute since a government body is involved. We also stay the provision making the variance conditional on the payment of penalties, also pending review, in order that the condition will not interfere with the right of judicial review.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order on Motion for Clarification & Stay this 25 day of July, 1972, by a vote of 3-0.

