

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1972

YOUTH FOR ENVIRONMENTAL SALVATION)
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 v.) # 71-254
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 CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC R.R.)

Order of the Board on Motion for Continuance (by Mr. Currie):

This is a citizen complaint for alleged violations of the regulations providing visible emission standards for diesel locomotives. The railroad moves that we indefinitely continue the case pending final Board action on a proposal by the railroad, docketed #R 72-3, that would repeal the regulation in question. We have asked for the Agency's views on the question whether or not to authorize hearings on the rule-making proposal, but we view the two matters as distinct. We see no reason why a complaint for the violation of an existing standard should await the question of what the standard should be for the future. If such were the practice, enforcement would grind to a halt whenever a change in the law were suggested. Cf. EPA v. Bath, Inc., # 71-52 (Sept. 16, 1971). The motion for a continuance is hereby denied. The hearing will proceed as expeditiously as is consistent with Board appropriations or the parties' ability to pay for the transcripts.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Order on Motion for Continuance this 14th day of March, 1972 by a vote of 4-0.

