ILLINOIS POLLUTION CONTROL BOARD

October 25, 1973

IN THE MATTER OF:	)	
	)	PCB R72-2
NOISE REGULATIONS	)	

DISSENTING OPINION OF MR. HENSS
ON RAILROAD ASSOCIATION MOTION TO STAY EFFECTIVE DATE

I would grant a stay of effective date of the Noise Regulation until a final judicial review has been made. Part 2 of the Regulation, in particular, is new, complicated and as far as we know, the only regulation of its type in any of the States. It is a good Regulation and I support it without reservation, but I do not insist that unique, complicated and expensive regulations should go into effect prior to judicial review of our decision. The Statute provides for such judicial review, and without a stay, that right of review is diminished.

Donald A. Henss

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above is a Dissenting Opinion filed by Mr. Henss on October 25, 1973.

Christan L. Moffett