

ILLINOIS POLLUTION CONTROL BOARD

May 23, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 72-466
RAIL-TO-WATER TRANSFER CORP,)
Respondent.)

INTERIM ORDER OF THE BOARD (by Dr. Odell)

On May 9, 1974, Respondent moved that Respondent's Exhibits 18 and 19, consisting of certain photographic slides, be delivered to Respondent for reproduction. The Environmental Protection Agency (EPA) filed a response on May 16, 1974, and prayed that Respondent's motion be denied.

We deny the motion. The slides are the best evidence of the scenes portrayed. Introducing substitute prints into the record without the opportunity for cross examination by the EPA would raise due process questions. Finally, we do not wish to further delay the resolution of the issues in this case.

Respondent's Motion to Withdraw Certain Exhibits is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23RD day of May, 1974, by a vote of 5 to 0.


Christan L. Moffett