

ILLINOIS POLLUTION CONTROL BOARD  
January 17, 1972

NORTH SHORE SANITARY DISTRICT )  
 )  
 )  
 v. ) PCB 71-36  
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 ENVIRONMENTAL PROTECTION AGENCY )

Preliminary Order of the Board on Reversal (by Mr. Currie):

Our order denying a variance in this case with respect to phosphorus discharges to Lake Michigan was reversed January 3, 1972 by the Appellate Court for the Second District on the ground that "the Board based its decision upon matters which are not within the record." (Ill. App., 2d Dist., Docket No. 71-157).

It is consequently our obligation to determine what further action, if any, by this Board is called for in the light of this decision. We therefore direct the parties to submit to us by January 25, 1972, written statements as to their opinion whether the Board should enter a further order on the basis of the record as defined by the court, or conduct further hearings or other proceedings, or consider the case closed, or take whatever other course the parties may suggest. Replies to such statements may be filed with the Board no later than February 1, 1972. The Board expects to render a further decision in this matter at its regular meeting February 3, 1972.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 17 day of January, 1972 by vote of 5-0.

*Christan Moffett*