

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF SPECIAL MEETING  
MARCH 22, 1971, FIELD MUSEUM, CHICAGO

Pursuant to special notice, the Board met to render its decision in #70-50, Lipsett Steel Products v. EPA, because the approaching 90-day deadline for decision did not permit postponing decision until a regular formal meeting. Other matters requiring prompt action were also considered.

Mr. Currie outlined his prepared opinion, presenting arguments in favor of denying the variance on the grounds that continued emissions would impose an intolerable burden on the community and that Lipsett had not lived up to the conditions of its earlier variance. Mr. Aldrich outlined a contrary opinion that would have granted the variance subject to stated conditions in order to avoid the hardships of possible unemployment in the event of a denial. After statements by the other members a vote was taken and the variance was denied by a vote of 3 to 2, Messrs. Aldrich and Kissel dissenting.

The Board then approved opinions and orders prepared by Mr. Currie in #70-53, Midstate Foundry Co. v. EPA, in which the petitioner asked to withdraw his variance request and leave was granted; and #70-37, Decatur Sanitary District v. EPA, in which a variance petition was dismissed for inadequate allegations as to the excuse for delay and as to the harm done to the receiving stream. There were no dissents.

The Board then without dissent adopted opinions as prepared by Mr. Currie in the following cases, all of which had been dismissed for inadequate variance petitions on March 17:

- #71-35, City of Litchfield v. EPA
- #71-40, Dept. of Public Works v. EPA
- #71-45, C.W. Shumway & Sons v. EPA
- #71-46, City of Harrisburg v. EPA

The Board unanimously adopted a supplemental opinion in #70-51, Miles Laboratories v. EPA, as prepared by Mr. Currie.

Hearings were unanimously authorized in #71-44, U.S. Industrial Chemicals v. EPA, and in #R71-5, Lake Michigan Discharge Ban.

I, Christan Moffett certify that the Board has approved the above minutes this 25th day of April, 1972, by a vote of 5-0.

