

ILLINOIS POLLUTION CONTROL BOARD
November 5, 1981

GTE AUTOMATIC ELECTRIC, INC.)
)
) Petitioner,)
)
) v.) PCB 80-225
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On October 8, 1981 GTE moved the Board for reconsideration of its September 3 order denying variance. The Agency has filed no response. GTE fails to see how the case is distinguishable from Outboard Marine Corp. v. IEPA, PCB 80-211 (May 28, 1981), and additionally asserts that variance could have been granted without causing environmental harm.

GTE's motion is denied. GTE's general allegations of reduction of headcount due to decreased business primarily reflects a business decision to shift operating priorities. Their efforts to comply were not frustrated because, for example of cumulative problems caused by economic conditions that affected the company to an unusual degree (i.e., a 40% lay off). The degree of environmental harm is one of the factors balanced by the Board against petitioner's alleged "arbitrary or unreasonable hardship". The Board found GTE had not proven hardship.

IT IS SO ORDERED.

Board Members I. Goodman and N. Werner dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5 day of November, 1981 by a vote of 3-2.

(Christan L. Moffett)

Christan L. Moffett, Clerk
Illinois Pollution Control Board