

ILLINOIS POLLUTION CONTROL BOARD  
May 17, 1973

CITIZENS FOR A BETTER ENVIRONMENT, )  
An Illinois Not-for-Profit Corp. )  
)  
) #73-173  
)  
v. )  
)  
REYNOLDS METALS COMPANY, )  
McCook Sheet and Plate Works )

OPINION AND ORDER OF THE BOARD (BY MR. DUMELLE):

Complaint was filed on April 27, 1973, alleging Reynolds Metal Company ("Reynolds") with violating the applicable fluoride effluent standard in Section 408(a); the applicable pH standard of Section 408(a); and failing to file a Project Completion Schedule as required by Sec. 1002(b)(1), all of the Water Pollution Regulations of the Board.

Reynolds filed a Motion to Dismiss on May 8, 1973, which we here allow. Reynolds points out that the fluoride and pH effluent standards do not become operative until December 31, 1973, as specified in Section 408(c)(iii)(B). They also point out that this Board, in an order in Reynolds Metal Company v. Environmental Protection Agency, #72-518, (April 12, 1973) granted a variance from Section 1002 until June 1, 1973. The Board opinion in #72-518 was issued May 3, 1973.

We agree with Reynolds. The complaint fails to state a cause of action upon which relief can be granted and pursuant to Section 31(b) of the Environmental Protection Act is deemed frivolous.

The complaint is dismissed.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 17 day of May, 1973, by a vote of 4 to 0.

