

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1989

IN THE MATTER OF:)
)
PETITION OF THE CITY OF) R88-25
HAVANA FOR A SITE-SPECIFIC) (Site-Specific)
RULE CHANGE TO THE COMBINED)
SEWER OVERFLOW REGULATIONS)

ORDER OF THE BOARD (by M. Nardulli):

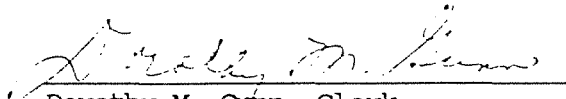
This matter comes before the Board upon a letter filed by the City of Havana on October 4, 1989 which the Board, in its Order of October 18, 1989, has construed as a motion for Board comment. In its motion, the City of Havana states that "a prerequisite to the City of Havana acquiring a compliance grant for the proposed compliance project is to update their compliance project schedule. A revised [compliance] schedule has been sent to the Illinois Environmental Protection Agency ("Agency") and they will not approve the grant application until [the Board] has commented on the revised schedule."

In response to this Board's Order of October 18, 1989, the Agency has stated that "[t]he Agency's Water Pollution Control Grants Section is precluded from releasing grant funds absent an enforceable schedule pursuant to PA 86-94 (July 20, 1989). As the schedule contained in the Board's Order for Havana is outdated and Havana is not in compliance with it, the Agency cannot release the grant funds until there is a new schedule reflecting the present circumstances."

Contrary to the Agency's assertion, the Board's First Notice Opinion and Order of July 27, 1989 does not contain a compliance schedule. The Board notes, however, that in seeking site-specific relief, the City of Havana submitted a plan for achieving partial compliance with the CSO regulations. It is apparently this compliance schedule which the City seeks to update at the mandate of the Agency and which the Agency interprets as requiring Board comment. The Board notes that the City of Havana's letter filed with the Board on October 4, 1989 which sets forth the new compliance schedule has been admitted into the record of this rulemaking as Public Comment #4. However, any formal comment by the Board on this revised schedule will, necessarily, occur when the Board proceeds to Second Notice in this proceeding.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 15th day of November, 1989 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board