

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1983

CITIZEN'S CONCERNED FOR THE QUALITY )  
OF LIFE IN LOCKPORT AREA, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-28  
 )  
CITY OF LOCKPORT, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J.D. Dumelle):

On July 21, 1983 the City of Lockport (City) filed a motion to modify the Board's May 15, 1980 Order in this matter. On July 29, 1983 the City filed a supplement to that motion. On August 8, 1983 the Illinois Environmental Protection Agency (Agency), while not a party to this action, filed an informational response. Leave to file this response is hereby granted. A response to the Agency's informational response was filed on August 17, 1983.


The Board's May 15, 1980 Order directed the City to abate pollution "as soon as the Board's approval of the facilities plan is given" (PCB 79-28, 38 PCB 251). In its July 21, 1983 motion the City requests that the Order be amended to direct that pollution be abated "by taking steps...as specified in the compliance plan... filed on July 21, 1983, such steps to consist, at this time, of doing the design work for such facilities, including the payment of reasonable expenses related thereto and to costs of financing such payment."

Attached to the July 29, 1983 supplement is a letter from the Agency to the United States Environmental Protection Agency approving the City's facility plan. The Agency, in its informational response, verifies that the letter is a "true and correct copy" and that it has in fact approved that plan. The Agency "also questions the necessity for [an] amended abatement order," the purpose of which "seems to be to avoid the precondition of facility plan approval," and which may limit the abatement order to apply to the financing of "design only rather than construction."

Based upon the Agency's approval of the facilities plan, and given that the Agency is the entity which has the authority and jurisdiction to make such determinations, the Board hereby also approves the facilities plan as outlined in the compliance plan dated May 4, 1983 and as approved by the Agency by letter of July 21, 1983. Such approval is pursuant to paragraphs 6 and 7 of the May 15, 1980 Order in this matter. Further, the Board agrees with the Agency that such approval obviates the need to modify the May 15, 1980 Order since the abatement order is now in effect under its terms to the full extent allowed by Section 46 of the Environmental Protection Act. The motion to modify is, therefore, denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 18<sup>th</sup> day of August, 1983 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board