

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1977

CITY OF SPRINGFIELD,)	
)	
Petitioner,)	
)	
v.)	PCB 77-239, -240, -241
)	-242, -243, -244
)	-245, -246, -247
ENVIRONMENTAL PROTECTION AGENCY,)	<u>CONSOLIDATED</u>
)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by Mr. Goodman):


On September 29, 1977, this Board entered an Interim Order consolidating the above-captioned Permit Appeal Petitions, and granted Petitioner City of Springfield 21 days within which to amend those Petitions, placing in issue all reasons cited by the Illinois Environmental Protection Agency for denying the relevant Permit Applications. On October 20, 1977, Springfield filed an Amendment to Permit Appeal Petitions in response to our Interim Order.

Springfield's Amendment states that it contests the Agency's permit rejections in the relevant cases, "[t]o the extent, if at all, that the Agency complied with the provisions of Section 39(a) of the Act...", and cites in turn various Regulations cited by the Agency in its permit rejections. Springfield continues to note that it contests the "legal and/or factual sufficiency" of the Agency's permit determinations.

The Board finds that the Petitions are now adequate under Procedural Rule 502(a) and our Interim Order of September 29, 1977. Springfield has adequately placed at issue all grounds cited by the Agency for rejecting the various permits in question. Springfield should, however, distinguish clearly those grounds cited by the Agency for permit rejection which are to be contested factually from those which Springfield might choose to contest only on legal grounds; following hearings, the latter should be fully discussed in thorough briefs. The consolidated cases shall be set for hearing.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 10th day of November, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board