

ILLINOIS POLLUTION CONTROL BOARD  
September 4, 1975

ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
	)	
v.	)	PCB 75-303
	)	
	)	
PETERSON/PURITAN, INC.	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by Mr. Dumelle):


The Board finds that it lacks jurisdiction to decide the alleged violations of Section 12(f) of the Environmental Protection Act by discharging contaminants in violation of the conditions of Respondents' NPDES permit and in non-compliance with the Schedule of Compliance as set forth in its NPDES permit.

The Board finds that until the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) approves and delegates to the State of Illinois authority to administer the NPDES permit system, it is without jurisdiction to hear any enforcement complaint for violating an NPDES permit. (See EPA v. Freeman United Coal Mining Company, et al, PCB 75-22 (August 28, 1975)).

The provision of Section 12(f) of the Act deeming a permit issued by the U.S. EPA to be a permit issued by the Illinois Environmental Protection Agency is meant to provide continuity once Illinois has been granted the authority to administer the NPDES permit program, not to grant authority to the Board to hear enforcement cases in the interim prior to the grant of authority by the Administrator of the U.S. EPA.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4<sup>th</sup> day of September, 1975 by a vote of 4-0.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board