

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1971

ENVIRONMENTAL PROTECTION AGENCY)
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v.)
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CITY OF CHAMPAIGN, ILLINOIS)
) PCB 71-51C
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v.)
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)
THE BOARD OF TRUSTEES OF THE UNIVERSITY)
OF ILLINOIS, and ALPHA MATERIAL AND)
FUEL COMPANY)

Supplemental Opinion and Order of the Board (by Mr. Currie):

on September 16, 1971, the following order was entered
in the above-captioned case:

1. The City of Champaign shall, by no later than March 16, 1972, submit to the Environmental Protection Agency and to the Pollution Control Board a report containing, but not limited to, the following:
 - a) A description of the condition of the Boneyard and, to the extent reasonably determinable, the sources of its pollution;
 - b) A description of steps taken by the City on the intervening period to deal with cases of pollution of Boneyard Creek;
 - c) A detailed program for the policing of Boneyard Creek and of its sewers in order to prevent the discharge of unnecessary pollutants into the Creek through the Storm sewer system operated and maintained by the City;
 - d) A detailed program designed to clean up and improve the quality of the water in Boneyard Creek within a reasonable but fixed period of time, to the extent practicable;

2. The University of Illinois shall, by no later than December 3, 1971, submit to the Environmental Protection Agency and the Pollution Control Board a report containing, but not limited to, the following:
 - a) A program detailing the corrective measures to be taken in the future by the University to control the discharge of contaminants from the Abbott Power Plant into sewers tributary to the Boneyard Creek. Such a plan shall include measures for the interim control of pH and settleable solids and shall indicate a fixed time schedule for the implementation and completion of the program.
3. Alpha Material and Fuel Company shall cease and desist the discharge of contaminants into the Boneyard Creek so as to cause or tend to cause water pollution of the Creek.
4. Upon receipt of the above required reports the Board will decide what further proceedings are appropriate.

The Board of Trustees of the University of Illinois has filed a Motion for Stay of that portion of this Board's order of September 16 which relates to the University (§ 2a) on the ground that the report which we ordered them to submit would be similar if not identical to the annual environmental assessment which they are required to file under Section 47 of the Environmental Protection Act and that a stay of the order pending judicial review would not therefore have any "adverse impact." We disagree.

We have held in this case that the Board has jurisdiction over other State agencies with respect to pollution control. In the exercise of this authority, we have ordered the University to perform a reasonable task designed to assist us in our efforts to determine the best practicable method of solving the Boneyard Creek pollution problem. Whether or not the University has the obligation of performing a similar task for another State agency hardly vitiates its responsibility to this State agency. Rather, it would tend to make their task easier if, indeed, the required reports are so similar. Therefore, the Motion for Stay is denied.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Supplemental Opinion and Order this 17 day of November, 1971.