

ILLINOIS POLLUTION CONTROL BOARD  
May 28, 1987

IN THE MATTER OF: )  
 )  
JOINT PETITION OF THE CITY MATTOON ) PCB 85-215  
AND THE ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY FOR EXCEPTION TO )  
THE COMBINED SEWER OVERFLOW REGULATIONS )

ORDER OF THE BOARD (by J. Marlin):


This matter comes before the Board on a Motion for Modification which was filed by the City of Mattoon (Mattoon) on May 18, 1987. Mattoon is requesting that the Board modify its Order of April 24, 1986 to add a paragraph stating that the Board's Order in this matter "is necessary to alleviate an emergency condition." Mattoon states that such a modification is needed in order to permit financing of proposed work, which is required by the April 24 Order, at a "much longer rate of interest." Mattoon states that the Modified Order is sought pursuant to Ill. Rev. Stat. 1986 Supp., ch. 24, par. 8-4-1. In addition, Mattoon states that the Illinois Environmental Protection Agency (Agency) has not objection to the motion. A telephone call to the Agency has confirmed this assertion.

After reviewing Subsection 13 of Section 8-4-1, which is the only subsection that concerns "emergency conditions," the Board concludes that a Board Order, as requested by Mattoon, is not necessary to fulfill the requirements of Section 8-4-1. Subsection 13 states that the municipality's "ordinance shall specify that the construction or improvement ... is necessary to alleviate an emergency condition." Consequently, it is the statutory role of the municipality, not the Board, to reach such a conclusion.

Given the present record, the Board finds no reason to modify the Order as requested by Mattoon. The Board hereby denies Mattoon's motion. If Mattoon believes that the Board has misconstrued Mattoon's position, Mattoon may present additional argument in a Motion for Reconsideration of this Order.

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 28<sup>th</sup> day of May, 1987 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board