

ILLINOIS POLLUTION CONTROL BOARD  
December 3, 1987

CITY OF FARMINGTON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-203  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board on a Petition filed December 18, 1985 by the City of Farmington (City), seeking extension of a variance, granted in PCB 83-63, from the regulatory prohibition against sanitary sewer overflows set forth at 35 Ill. Adm. Code Section 306.304. The initial variance [PCB 83-63] expired on July 1, 1984 at which time the City sought a one-year extension in PCB 84-166. The Illinois Environmental Protection Agency filed its recommendation on January 21, 1985. The Board granted the requested extension on February 20, 1985. PCB 84-166.

Upon receipt of this most recent petition [filed March 24, 1986] the Board ordered this matter to hearing on March 27, 1986. Numerous continuances ensued but the matter finally came to hearing on September 10, 1987; no members of the public attended. The Agency's initial recommendation [filed May 1, 1986] opposed the petition citing faulty public notice; inadequate data regarding flow measurements; conflicts with Agency information and failure to obtain required NPDES permits. However, on July 6, 1987 the Agency subsequently filed an "Amended Recommendation" reversing its earlier opposition and recommending that the Petition for variance extension be granted. Amended Rec. July 6, 1987.

However, there is an apparent internal inconsistency in the Amended Recommendation. The construction schedule set forth in the Amended Recommendation requires full operational status on or before October 15, 1988. But the Amended Recommendation recommends extension of the variance only until July 1, 1988. Amended Rec. p. 5.

Accordingly the Board orders the parties to clarify or

otherwise explain this inconsistency on or before December 16, 1987. Also the Board notes that certain matters set forth in the construction schedule should be completed by December 17, 1987. The parties shall notify the Board whether Petitioner has been, thus far, able to meet the completion dates set forth in the construction schedule.

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 31<sup>st</sup> day of December, 1987 by a vote of 7-0.

*Dorothy M. Gunn*  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board