

ILLINOIS POLLUTION CONTROL BOARD
October 9, 1986

BRAVO-ERNST DEVELOPERS,)	
)	
Petitioner,)	
)	
v.)	PCB 86-10
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY, COUNTY)	
OF DUPAGE and DUPAGE UTILITY)	
COMPANY,)	
)	
Respondents.)	

INTERIM ORDER OF THE BOARD (by B. Forcade):

On September 18, 1986, Bravo-Ernst Developers ("Bravo-Ernst") filed a Motion for Reconsideration of the Board's August 14, 1986, Order denying variance. That motion raises the issue of installing and operating a surge or holding tank to restrain sewage from entering the sewer system during periods of peak wet weather flows. On October 6, 1986, Bravo-Ernst filed a two-page engineer's report and engineer's sketch. On October 8, 1986, the Illinois Environmental Protection Agency ("Agency") filed a Response to the Motion for Reconsideration which noted several technical concerns about the tank design and pointed out that Bravo-Ernst did not appear to have the Illinois Commerce Commission Certificate of Convenience and Necessity that would be required to operate the surge tank. Neither the County of DuPage, the DuPage Utility Company, nor Bravo-Ernst have yet responded to the Agency's suggestion that the Board order DuPage Utility Company to "accept and operate" the surge tank once it is completed.

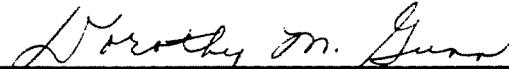
Therefore, the Board orders that, not later than 5:00 p.m., October 22, 1986, the County of DuPage, the DuPage Utility Company, and Bravo-Ernst file a response to the Agency suggestion that the Board order DuPage Utility Company to accept and operate any such tank.

The parties are free to provide comments to the Board on the technical issues of tank construction raised by the Agency and to provide comments on whether operation of the tank could be automated.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented and Chairman J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 9th day of October, 1986, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board