

ILLINOIS POLLUTION CONTROL BOARD
June 29, 1984

CITY OF MT. OLIVE,)
)
 Petitioner,)
)
 v.) PCB 83-9
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY AND MACOUPIN)
 COUNTY HOUSING AUTHORITY.)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On June 15, 1984, the Board received the mandate of the Fourth District Appellate Court in Macoupin County Housing Authority v. IPCB, IEPA, and City of Mt. Olive, Gen. No. 4-83-07. May 7, 1984. The Court reversed and remanded the action for the purpose of holding a hearing.

While it is unclear whether the 90 day decision deadline of Section 38(a) of the Act applies to this action on remand, the Board will attempt to render its decision on or before September 13, the 90th day following the Board's receipt of the remand, unless of course a waiver of any otherwise applicable decision deadline is received or the clock is restarted by the filing of an amended petition. In order to meet this schedule, the Board directs that hearing be scheduled on or before July 13 and held on or before August 13, 1984.

The Board notes that, since the record in this case is nearly a year old, it may not accurately reflect current water usage figures at the housing project, the treatment capability and performance of the South Plant or the status of the City's progress under the construction grant program. Additionally, the Board notes that, at p. 3 of the slip opinion, the appellate court infers that the Housing Authority would have been more correctly joined as a petitioner rather than a respondent. The Board suggests that the issues at hearing would be brought into sharper focus by the early filing of an amended petition supplying supplemental information and correcting any misalignment of parties.

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 29th day of June, 1984 by a vote of 5-0.

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