

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1990

IN THE MATTER OF: )  
 )  
JOINT PETITION OF THE CITY OF OTTAWA )  
AND THE ILLINOIS ENVIRONMENTAL ) PCB 88-52  
PROTECTION AGENCY FOR EXCEPTION TO THE ) (CSO Exception)  
COMBINED SEWER OVERFLOW REGULATIONS )

ORDER OF THE BOARD (by R.C. Flemal):

The matter comes before the Board upon a Motion to Modify Board Order filed July 2, 1990 by the City of Ottawa ("Ottawa"). The Illinois Environmental Protection Agency ("Agency"), as Joint Petitioner, filed a response to Ottawa's motion on July 10, 1990; the Agency recommends that Ottawa's motion be granted.

By Order of August 4, 1988 the Board had granted Ottawa an exception to 35 Ill. Adm. Code 306.305(a) and (b) pertaining to combined sewer overflows ("CSO"). Grant of the exception was subject to certain conditions, as specified in the August 4, 1988 Order. Among these is condition 1, which specified:

The City will prepare an operational plan for and make modifications to its sewer system, as specified in the petition, by October 1, 1989. Thereafter, an annual report detailing performance of the specified activities will be submitted to the Agency by January 31st of each year.

The October 1, 1989 date of condition 1 was subsequently modified by Board Order of October 18, 1989, whereby the deadline was extended to June 1, 1990<sup>1</sup>. The subject of Ottawa's instant motion is request that the deadline now be extended to December 1, 1990.

Ottawa cites various unanticipated delays that it has experienced in completing its sewer modifications, including problems with bidding, miscommunications with the Agency, and unacceptable bonds. The Agency agrees with and supports Ottawa's

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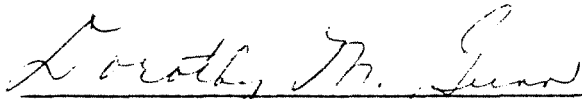
<sup>1</sup> As part of the instant motion, Ottawa also requests that this date be modified to July 1, 1990, consistent with Ottawa's interpretation that July 1, 1990 is the correct modified date. The Board denies this portion of Ottawa motion as unnecessary in light the disposition of the rest of Ottawa's motion.

reasons for delay. The Agency also contends that Ottawa has made good faith efforts to complete its sewer modifications in a timely manner.

The Board concurs with the Agency's analysis, and accordingly hereby grants extension to December 1, 1990 of the completion date specified in condition 1 of the Board's August 4, 1988 Order in this matter. All other requirements of that Order remain in full force and effect as issued.

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 19<sup>th</sup> day of July, 1990, by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board