

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1976

IN THE MATTER OF:)
)
THE PROPOSED AMENDMENT TO) R75-15
RULE 602(d)(3) OF THE WATER)
POLLUTION REGULATIONS)

INTERIM ORDER OF THE BOARD (by Mr. Young):

The Agency Regulatory Proposal (R75-15) proposed that Rule 602(d)(3) be amended as follows (new language underlined):

(d) (3) All other combined sewer overflows, by December 31, 1975, unless:

(aa.) The discharger's combined sewer overflow is eligible for a construction grant under Section 201(g) of the FWPCA,

(bb.) The discharger has filed an application for a construction grant on or before December 31, 1975, and

(cc.) The discharger is pursuing with diligence and good faith all grant requirements including but not limited to completion of any formal grant application on a schedule acceptable to the Agency.

Two public hearings on the proposed regulation were held on March 31, 1976 and April 7, 1976. In response to suggestions made at those hearings and in consideration of the testimony and exhibits, the Board, in accordance with Procedural Rule 211, has revised the Agency proposal. The Board now proposes that Rule 602(d) of Chapter 3: Water Pollution Regulations be amended as follows (new language underlined):

(d) Compliance with paragraph (c) of this Rule 602 shall be achieved on or before the following dates:

(1) All treatment plant bypasses, by the applicable date for improvement of treatment works under Part IV of this Chapter;

- (2) All combined sewer overflows within the Metropolitan Sanitary District of Greater Chicago, by December 31, 1977;
- (3) All other combined sewer overflows, by December 31, 1975;
- (4) The compliance dates set by (d) (2) and (d) (3) shall be met unless:
 - (aa) The discharger's combined sewer overflow is eligible for a construction grant under Section 201(g) of the FWPCA; and,
 - (bb) The discharger has filed an application for a construction grant on or before March 1, 1977; and,
 - (cc) The discharger has timely taken all appropriate pre-grant and post-grant actions necessary to the specific grant step for which the discharger is then eligible.
- (5) Nothing in 602(d) (4) above shall limit the power of the Board to enter an order directing immediate construction of facilities necessary to abate pollution of the waters of the State, when the Board has found, as the result of an enforcement case initiated under Sections 30-34 of the Act, that the discharger is causing or threatening to cause water pollution.
- (6) Whenever a discharger subject to the provisions of this Rule files or has filed the Project Completion Schedule required by Rule 1002 and receives a time extension through the application of this Rule, said Project Completion Schedule will be automatically adjusted to reflect the time extension.
- (7) The exemption provided by (d) (4) above shall terminate upon completion of construction under the grant provided and compliance with the provisions of this Rule shall thereafter be required.

The Board also proposes that Rule 409(a) of Chapter 3: Water Pollution Regulations be amended as follows (new language underlined):

- (a) All effluent standards required to be met on December 31, 1973 or December 31, 1974 shall be met unless:
- (1) The discharger is eligible for a construction grant under Section 201(g) of the FWPCA; and,
 - (2) The discharger has filed an application for a construction grant on or before December 31, 1975; and,
 - (3) The discharger has timely taken all necessary pre-grant and post-grant actions appropriate to the specific grant step for which the discharger is then eligible.
 - (4) The exemption provided in (a)(1), (a)(2), and (a)(3) above shall terminate upon completion of construction under the grant provided and compliance with the provisions of this Rule shall thereafter be required.

It is the Order of the Board that the foregoing proposed final draft be published in the Environmental Register for comment pursuant to Procedural Rule 211.

Two additional hearings on the economic impact of the proposed amendments will be scheduled in accordance with the provisions of Section 27(b) of the Environmental Protection Act and the proposed final draft may be further revised in response to written submissions received by the Board in comment on the proposal or from consideration of the economic impact statement and the record of the further hearings.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 20th day of May, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board