

ILLINOIS POLLUTION CONTROL BOARD  
November 28, 1972

VILLAGE OF COULTERVILLE )  
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 )  
 v. ) #72-248  
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 )  
 ENVIRONMENTAL PROTECTION AGENCY )

Paul Nehrt and Edward J. Fisher, for Village of Coulterville

Thomas A. Cengel, Assistant Attorney General, for the Environmental Protection Agency

Opinion & Order of the Board (by Mr. Currie):

Coulterville originally requested a variance from PCB Regs., Ch. 3, Rule 405, which requires reduction of fecal coliforms in sewage treatment plant effluents to 400/100 ml by July, 1972. At the hearing, however, the Village indicated that it has ordered plans for interim chlorination facilities drawn up, has ordered the equipment, and will comply with the regulation within 30 to 90 days after Agency approval of the plans (R. 12, 16-17, 21, 25). This evidence demonstrates that the Village no longer needs the relief sought and that the variance originally requested is no longer desired. The petition is therefore dismissed.

The record contains information as to the Village's program for compliance with future effluent requirements for biochemical oxygen demand and suspended solids, with the suggestion that the program is dependent upon federal and state subsidies and may be delayed by the perceived unavailability of such subsidies in the immediate future (R. 10-11). We have no request before us for a variance from these standards. The Village is free to file such further request for relief as it sees fit in light of our holding that the absence of federal and state subsidies is no excuse for a municipality's failure to meet its obligation to stop polluting. City of Mattoon v. EPA, #71-8, 1 PCB 441 (April 14, 1971).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 28<sup>th</sup> day of November, 1972, by a vote of 5-0.

Christan J. Moffett