

Rule 409 was originally proposed by the Illinois Environmental Protection Agency on March 7, 1973 and was enacted by the Board on July 19, 1973 (R73-4). At that time, delays in Federal funding of sewage treatment plants and in the publication of regulations and guidelines necessary to establish project eligibility caused at least a one year's delay in the expansion or construction of needed waste treatment plants operated by governmental bodies.

That year has now passed but the impoundment of \$9 billion in grant funds by the President continues and has not been finally resolved by the Federal courts. Also, the Federal guidelines, after issuance, have caused additional delays because of infiltration test studies and other new requirements.

The Board, on August 29 and September 5, 1974, enacted National Pollution Discharge Elimination System (NPDES) regulations which would have given the Agency power to vary the December 31, 1974 due date of Rule 409 to July 1, 1977, where needed. The NPDES regulation has not yet been accepted by the Federal government and consequently that power to vary the due date does not now repose in the Agency.

Thus, to protect municipalities and sanitary districts from liability for prosecution, the December 31, 1974 due date is proposed to be changed to July 1, 1977.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 11th day of December, 1974 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board