

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1974

CITIZENS FOR A BETTER ENVIRONMENT, )  
An Illinois Not-for-Profit Corp., )  
 )  
Complainant, )  
 )  
v. ) PCB 74-29  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, DR. RICHARD BRICELAND, As )  
Director of the Illinois Environ- )  
mental Protection Agency and DANIEL )  
GOODWIN, As Manager-Performance )  
Measurement Section of the Illinois )  
Environmental Protection Agency, )  
 )  
Respondents. )

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

Citizens for a Better Environment, an Illinois not-for-profit corporation filed Complaint against the Illinois Environmental Protection Agency, its Director, Dr. Richard Briceland, and the Manager of its Performance Measurement Section, Daniel Goodwin, alleging that the Respondents have, in violation of Rule 1001 of the Water Pollution Regulations, failed to file Waste Discharge Reports with the Illinois Pollution Control Board. The Complaint asks for an Order directing Respondents to comply with the Regulation, and fining Respondents for each violation.

Rule 1001 provides:

"The Agency shall annually prepare and submit to the Board a Waste Discharge Report which lists the waste discharges in the State, describes the type, quantity and concentrations of the various contaminants being discharged, and describes the existing and planned treatment controls and the scheduled dates for completion of treatment improvements."

The Rule was adopted on March 7, 1972 and became effective April 16, 1972.

When the matter was called for public hearing the parties entered into a Settlement Stipulation. The Agency admitted that it had not filed a Waste Discharge Report at any time up to the date of the execution of the Stipulation and that the filing of such report was in fact required by Rule 1001, at least beginning with Fiscal Year 1974. It is stated that Fiscal Year 1974 was the first fiscal year subsequent to the adoption of Rule 1001 during which the Agency could have been budgeted by the General Assembly for the sizeable undertaking required by the Rule. The Stipulation further specifies that Fiscal Year 1975 shall be the first year for which the Agency will be budgeted to carry out the duty imposed upon it by Rule 1001.

The parties agree that "the foregoing violation of Rule 1001 of Chapter 3 shall best be cured by the filing of an Interim Report, by the Agency, based upon the best information available to the Agency, followed subsequently by the commencement of filing of annual reports by the Agency, as required by Rule 1001 of Chapter 3". They stipulate to the entry of a final order by this Board in which the Agency is ordered to cease and desist from its violation and a schedule is adopted for the filing of the reports.

We have reviewed the Stipulation and Order carefully and approve the settlement in all respects. The intent of the parties is to facilitate the filing of the reports, not to prolong the litigation. We note that the Agency did on May 29, 1974 submit an interim edition of a report entitled "Waste Water Discharges to Illinois Waters". This report was submitted pursuant to Rule 1001 and in partial fulfillment of the Agency's agreement in this case.

The Stipulation and Proposed Order are approved.

#### ORDER

The Illinois Pollution Control Board finds that the Environmental Protection Agency has failed to file Waste Discharge Reports as required by and in violation of Rule 1001 of Chapter 3: Water Pollution, of the Rules and Regulations of the Illinois Pollution Control Board. It is the Order of the Board that the Environmental Protection Agency cease and desist from the aforesaid violations, in accordance with the following schedule:

- 1) By no later than June 1, 1974, the Agency shall file with the Board an "Interim Report" which shall include information and data presently available to the Agency relative to waste water discharges in the State, including effluent sample data for calendar

year 1973, indexed by discharge source; and waste water discharge inventory data current through April 30, 1974, cross-referenced by discharger name and address. Such report shall be produced on microfiche. A copy of such report shall be provided by the Agency, on microfiche, by June 1, 1974 to Complainant, Citizens for a Better Environment.

2) By no later than March 1, 1975, and annually thereafter, the Agency shall file a Waste Discharge Report, as required by, and in accordance with Rule 1001 of "Chapter 3: Water Pollution" of the Board's Rules and Regulations. Said Waste Discharge Report shall include effluent sample data for the previous calendar year, cross-referenced by discharger name and address, together with waste water discharge inventory data for the previous calendar year, and available data describing existing control equipment and proposed discharge control programs and timetables, indexed by discharger. Effluent sample data and waste water discharge inventory data shall include pertinent information relative to type, quantity and concentration of contaminants discharged.

The March 1, 1975 report may be produced on microfiche. If so produced, a copy of such report shall be provided by the Agency, on microfiche, by April 1, 1975 to Complainant, Citizens for a Better Environment.

The annual Waste Discharge Report shall be available for reasonable public inspection and copying, in accordance with the terms, and restrictions, of Section 7 of the Illinois Environmental Protection Act.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 20<sup>th</sup> day of June 1974 by a vote of 5 to 0.

Christan L. Moffett