

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1971

Environmental Protection Agency)
v.) PCB 71-28
Danville Sanitary District)
)

Supplemental Opinion and Order of the Board (by Mr. Dumelle)

Paragraph no. 8 of the Board's order of May 26, 1971 deals with allegations (paragraph no. 2 of complaint filed February 26, 1971) by the EPA and admissions by the Danville Sanitary District. The record provides no elucidation and very little discussion of the point. The Board has therefore asked that the parties inform the Board of the substance of the charges and admissions. The complaint, comment in the Board's opinion, and the Board's order on this point are as follows:

COMPLAINT

2) That the DANVILLE SANITARY DISTRICT has further violated Rule 1.08(12) of SWB-9, continued in effect by Section 49(c) of the Act, in the following respects:

- (a) Failure to submit to the Sanitary Water Board by January 1, 1970 plans and specifications for construction of the updated sewage treatment facilities required by SWB-9; and
- (b) Failure to award, by July 1, 1970, the contract for construction of such sewage treatment facilities.

OPINION

In its complaint the Agency had alleged and the District admitted that the District violated Rule 1.08 (12) of SWB-9 by failing to submit plans and specifications for construction of updated sewage facilities by January 1, 1970 and by failing to award contracts for construction by July 1, 1970 (R.6-7). The nature of the facilities for which the deadlines were missed is unclear from the record. Apparently they are advanced waste treatment facilities of some sort; some type of tertiary treatment. We will order both parties to brief this point and fully inform the Board of the violations involved. If the requirement is for tertiary treatment we must be fully apprised of the legal support of the contention. We will ask for these briefs no later than July 1, 1971. (p.3-4)

ORDER

8. Briefs: Both parties shall by July 1, 1971 submit to the Board briefs on the nature of the violation alleged and admitted and the effluent requirements involved in that part of the complaint dealing with the deadline dates January 1, 1970 and July 1, 1970; the first date being the date for submission of

plans and the second being the date for the award of the construction contract.

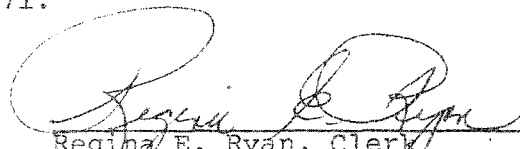
To obtain the necessary answers which have not been forthcoming we will set up a sequential briefing schedule, first giving the EPA three weeks to support their contentions, then giving the Sanitary District three weeks to respond and finally giving the EPA one week to reply to the District's response.

ORDER

Having considered communications from the parties and pursuant to paragraph 8 of the Board's order of May 26, 1971 the Board hereby enters the following order:

1. The EPA shall file a brief on or before 3 weeks from this date supporting their contentions in paragraph 2 of the complaint filed on February 26, 1971.
2. The Danville Sanitary District shall have 3 weeks after the filing of the EPA brief to respond to the EPA's contentions, and points and authorities.
3. The EPA shall have 1 week after the filing by the Sanitary District to reply to the District's brief.

I, Regina E. Ryan, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Supplemental Opinion and Order on the 12 day of July, 1971.



Regina E. Ryan, Clerk
Illinois Pollution Control Board