

ILLINOIS POLLUTION CONTROL BOARD  
May 19, 1988

IN THE MATTER OF: )  
 )  
PETITION OF THE CITY OF LASALLE ) PCB 88-70  
FOR MODIFICATION OF MUNICIPAL )  
COMPLIANCE PLAN )

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IN THE MATTER OF: )  
 )  
THE PETITION OF THE CITY OF ) PCB 86-2  
LASALLE FOR EXCEPTION TO THE ) (not consolidated)  
COMBINED SEWER OVERFLOW REGULATIONS )

ORDER OF THE BOARD (by J. Anderson):

This docket was initiated by the April 15, 1988 filing by the City of LaSalle of what is called a "petition for modification of municipal compliance schedule". On May 6, 1988, the Agency submitted a response to this filing. The Agency noted that the relief sought is a modification of a temporary CSO exception granted by the Board in its Opinion and Order of April 1, 1987 in PCB 86-2. The Agency went on to note that the filing could be construed either as a deficient petition for variance, or as an untimely motion for modification of the prior Board Order in PCB 86-2. Due to its uncertainty as to the procedural status of the filing, the Agency response simply stated its positions and comments.

The Board believes that this matter is more appropriately addressed as a motion in the PCB 86-2 proceeding. This PCB 88-70 proceeding is hereby dismissed. The Clerk's Office is directed to redocket the pleadings discussed in this Order as a motion and response in the PCB 86-2 proceeding.

As to the substance of the City's motion, the Board agrees with the Agency's observation that the City has not provided a complete description of its inability to meet its previous commitments and compliance schedule. The Board further notes that the Agency has suggested a revised compliance program different than that suggested by the City, to which the City has filed no response.

The Board directs the City to file a responsive pleading addressing these two points on or before June 6, 1988. The Agency may file a reply thereto on or before June 20, 1988. The

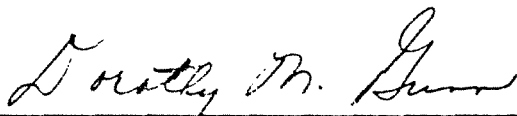
Board will defer further action in this matter until these filing dates have passed.

IT IS SO ORDERED.

J. D. Dumelle concurred.

J. T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19<sup>th</sup> day of May, 1988, by a vote of 6-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board