

ILLINOIS POLLUTION CONTROL BOARD
February 10, 1983

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 81-20
)
 METRO-EAST SANITARY DISTRICT, CITY OF)
 MADISON, an Illinois municipal corporation,)
 and CITY OF VENICE, an Illinois municipal)
 corporation,)
)
 Respondents.)

INTERIM ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a "Partial Stipulation and Order" in "partial settlement" which was presented at hearing on November 17, 1982. That hearing was scheduled in response to several Board orders (July 23, 1981; September 2, 1982; October 5, 1982; and October 14, 1982) which were entered with the intent to reach an expeditious conclusion of this proceeding.


This partial settlement includes four provisions: first, that Respondents "take all actions necessary to ensure that timely progress is made for each federal construction grants step including completion of a revised Facilities Plan about February, 1983; second, that respondents recognize their legal obligations; third, that all parties will enter into a final stipulation and settlement within thirty days of Illinois Environmental Protection Agency (Agency) approval of a revised Facilities Plan which plan the Agency shall approve or disapprove within ninety days of submission; and fourth, that the Metro-East Sanitary District pay a penalty of \$250."

In other words, the partial settlement provides that respondents shall do what they are legally required to do, Metro-East shall pay a penalty and a time schedule is set forth for reaching an expeditious conclusion of this matter.

The Board finds little point in ordering a penalty prior to final resolution of this matter and fails to understand how four parties can be ordered to file a final settlement. Who will dictate what that final settlement would be? Therefore, the Board rejects this "partial settlement." However, hearing has served to inform the Board of the status of this matter and the stipulation does set forth a reasonable timetable for final resolution of it. The Board hereby orders that this action be scheduled for hearing, either on a stipulation or as a contested case on or before September 1, 1983.

IT IS SO ORDERED

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was filed on 10th day of February, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board