

ILLINOIS POLLUTION CONTROL BOARD
March 24, 1988

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC RULE)
CHANGE FOR CITY OF MENDOTA:) R88-6
35 ILL. ADM. CODE 306.304)

PROPOSED RULE FIRST NOTICE

OPINION AND ORDER OF THE BOARD (by Michael Nardulli):

This matter comes before the Board on a Petition for Site Specific Rule Change filed on behalf of the City of Mendota on January 15, 1988. Presently, the City of Mendota's combined sewer overflows are regulated by 35 Ill. Adm. Code 306.304 which expressly prohibits overflows from sanitary sewers. Pursuant to Section 27 and 28 of the Environmental Protection Act (Ill. Rev. Stat. ch 111^{1/2}, Secs. 1027-1028 (1987)) and Part 102 of the Board Procedural Rules (35 Ill. Adm. Code Secs. 102.101-102-220) the Petitioner petitions the Board to amend 35 Ill. Adm. Code Sec. 306.304 to add the statement of exception set forth below.

On January 21, 1988, the Board adopted Resolution 88-1, which outlined various procedures which the Board would begin to utilize in order to expedite the rulemaking process. One of these procedures is for the Board to send a regulatory proposal to First Notice before ruling on the merits of the proposal. The Board finds that it is appropriate to utilize that procedure in this proceeding.

As a result, the Board hereby adopts the proposal set forth below for First Notice and directs the Hearing Officer to cause the publication of the proposal in the Illinois Register. This action is in no way to be construed as the Board's substantive position with regard to this matter.

Consistent with Res88-1, the Board directs the Hearing Officer to schedule only one merit hearing in this matter. No other hearings will be scheduled unless the Board finds that the issues of this proceeding warrant further investigation. In addition, the Hearing Officer is to establish deadlines for the pre-filing of testimony and exhibits for anyone who wishes to introduce evidence at the merit hearings. Those who do not prefile such materials will be able to present their evidence only if time permits at the end of the hearing process.

The Board believes that such procedures will accelerate the

rulemaking process and at the same time provide continued opportunity for public participation.

ORDER

The Board directs the Clerk of the Board to submit the following proposed amendments to the Secretary of States Office for First Notice publication.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 306
PERFORMANCE CRITERIA

SUBPART A: SYSTEMS RELIABILITY

Section
306.101 Preamble
306.102 Systems Reliability
306.103 Combined Sewers and Treatment Plant Bypasses
(renumbered)
306.104 Intake Structures (renumbered)
306.105 New Connections (renumbered)

SUBPART B: INTAKE STRUCTURES

Section
306.201 Intake Structures

SUBPART C: COMBINED SEWERS AND TREATMENT
PLANT BYPASSES

Section
306.302 Expansion of Combined Sewers
306.303 Excess Infiltration
306.304 Overflows
306.305 Treatment of Overflows and Bypasses
306.306 Compliance Dates

SUBPART D: EXCEPTION PROCEDURE

Section
306.350 Preamble
306.351 Notification and Submittals by Discharger
306.352 Notification by Agency
306.360 Joint or Single Petition for Exception
306.361 Justification of Joint Petition
306.362 Justification of Single Petition
306.363 Contents of Joint Petition
306.364 Contents of Single Petition

-Mendota, LaSalle First Avenue and Ninth Street Bypass,
Overflow Point 004

-Mendota, LaSalle Oak Court Siphon, Overflow Point 005

-Mendota, LaSalle Excess Flow Holding Lagoon Bypass,
Overflow Point 006 and 007

(SOURCE: Amended in R88-6 at ____ Ill. Reg. _____,
effective _____).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of March, 1988, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board