

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1983

CITIZENS CONCERNED FOR THE QUALITY)
OF LIFE IN THE LOCKPORT AREA,)
)
Complainant,)
)
v.) PCB 79-28
)
CITY OF LOCKPORT,)
)
Respondent.)

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

On April 8, 1983 the City of Lockport filed a petition for Board approval of a facilities plan pursuant to the Board's May 15, 1980 Order in this matter (38 PCB 249) which required Lockport to complete Step 2 and Step 3 of its construction grant program, to submit a facilities plan, to implement it, and upon Board approval of the plan, to abate pollution. A hearing was requested for Board approval.

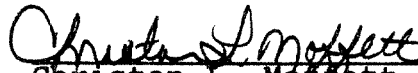
Pursuant to Section 4 of the Environmental Protection Act, the Illinois Environmental Protection Agency (Agency), not the Board, is designated as the water pollution agency for the State for all purposes under the Clean Water Act, which establishes the construction grants program. Therefore, the Board is without jurisdiction to rule upon an Agency determination of the acceptability of a facilities plan.

The references in the May 15, 1980 Order to Board approval of the plan are merely a matter of form. Board approval of a facilities plan is dependent solely upon Agency approval. Board approval was required simply to establish a date in the record upon which the abatement order becomes effective, thus invoking Section 46(a) of the Act requiring the acquisition or construction of the necessary facilities.

Since the petition fails to allege the Agency's determination as to the acceptability of the facilities plan, the Board is without the necessary information on which to base any determination. The petition is, therefore, dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of April, 1983 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board