

ILLINOIS POLLUTION CONTROL BOARD
February 15, 1996

IN THE MATTER OF:)
)
PETITION OF THE CITY OF LASALLE) PCB 86-2
FOR EXCEPTION TO THE COMBINED) (CSO Exception)
SEWER OVERFLOW REGULATIONS)

ORDER OF THE BOARD (by G.T. Girard):

On January 23, 1996, the City of LaSalle (LaSalle) filed a motion for reconsideration and modification of the Board's December 20, 1995, opinion and order. The December 20, 1995, opinion and order denied LaSalle's request for permanent exception to the combined sewer overflow regulations at 35 Ill. Adm. Code 306.305(a) and (b). On February 2, 1996, the Illinois Environmental Protection Agency (Agency) filed a response. The Agency also asks that the Board reconsider and modify the December 20, 1995, opinion and order.

LaSalle and the Agency ask that the Board modify the December 20, 1995, order to send the proceeding to hearing on the second amended petition. In support of the request for hearing both parties cite to 35 Ill. Adm. Code 306.371(b). Section 306.371(b) states:

- b) The Board shall issue and enter such orders concerning a petition for exception as are appropriate for the reasons stated in its written opinion. Such appropriate orders may include but are not limited to orders accepting or rejecting the petition, directing that further hearings be held to develop further information or to cure any procedural defects, or remanding the petition to the petitioners with suggested revisions. Another hearing shall be held on any revised petition for exception.

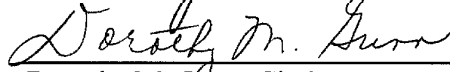
The Board grants the motion to reconsider and modify. The Board will vacate the December 20, 1995, opinion and order and set this matter for hearing. In so doing the Board notes that the parties did not ask for a hearing on the first amended petition. Nor did the parties object to the Board proceeding without a hearing. Further, the Board has not held and the Agency has not asked that hearings be held in other CSO cases similarly situated (See, City of Peru, PCB 86-1 (June 23, 1994); and City of Morris, PCB 86-4 (December 1, 1994).)

The Board directs the Clerk to assign a hearing officer to this proceeding. As this 10 year old case is before the Board on a second amended petition, the Board directs the hearing officer to schedule a hearing as soon as possible but in no event shall the hearing be held later than April 30, 1996. All post-hearing filings shall be filed no later than May 31, 1996.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of February, 1996, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board