ILLINOIS POLLUTION CONTROL BOARD October 14, 976

| CITY OF JACKSONVILLE, |) | |
|----------------------------------|--------------|--------|
| Petitioner, |) | |
| v. |)) PCB 7 | 75-390 |
| ENVIRONMENTAL PROTECTION AGENCY, |))) | |
| Respondent. | Ś | |

ORDER OF THE BOARD (by Mr. Goodman):

In the Board Order of January 8, 1976 herein the City of Jacksonville (Jacksonville) was granted a variance which included an Order that Briefs be submitted by the parties concerning the cost of removal of certain deposits in the stream bed, the environmental harm that may be done by such removal, and whether or not the Board had authority to require said removal. The Board retained jurisdiction in the matter for the limited purpose of determining whether the deposits should be removed by Jacksonville.

On May 28, 1976, Jacksonville submitted its Brief including a study performed by its consulting engineers concerning the aforesaid deposits. The Agency failed to submit a Brief on the issues stated. The engineering report included with the Brief of Jacksonville indicates that the stream has cleansed itself of 92% of the deposits and estimates the cost of removal of the remaining deposits to be \$7200.00. The report indicates that there are about 8 cubic yards of deposits remaining at this time. The engineering report further indicates that a removal operation would destroy all trees and ground covering in the areas worked as well as the access road site. This would contribute to further erosion of stream banks and would destroy valuable cover for birds and wild life along the stream.

The Board finds that the deposits as they are now comprised no longer pose a threat to anyone who may be using the stream. Considering the cost and the environmental harm involved in the removal of the deposits, the Board hereby rejects said removal in this case.

Considering the decision above, the Board does not need to consider the issue of its authority to require removal of the waste.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the day of _______, 1976 by a vote of ______.

Illinois Pollution Control Board