

ILLINOIS POLLUTION CONTROL BOARD
June 3, 1976

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 76-139
)	
DROVERS NATIONAL BANK,)	
TRUSTEE UNDER TRUSTE No. 73176,)	
)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board on a complaint filed May 12, 1976 by the Environmental Protection Agency (Agency) which alleges Respondent caused or allowed pollutants in the effluents from a certain real estate in Sections 29-32, Township 33N, Range 9E, in Will County, Illinois, located west of I-55 near Braidwood, on which a large mound of refuse, or gob pile, from earlier coal strip mining operation is located.

The complaint alleges violations of Rules 203(a), 403, 408(a), and 408(b) of Chapter 3: Water Pollution and Section 12(a) of the Environmental Protection Act (Act) caused by effluents or runoff from the aforementioned land.

The definition of effluent in Rule 104, Chapter 3: Water Pollution reads in pertinent part as follows:

"Effluent" means any wastewater discharged, directly or indirectly, to the waters of the State or to any storm sewer, and the runoff from land used for the disposition of wastewater or sludges, but does not otherwise include nonpoint source discharges such as runoff from land (Emphasis supplied).

The complaint is silent on any allegation of disposition of wastewater or sludge.

Based on the foregoing, paragraphs 4, 5, and 7 alleging violation of effluent limitations shall be stricken. The matter shall be set for hearing on the remaining allegations of the complaint.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Interim Order was adopted on the 3RD day of June, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board