

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1972

METROPOLITAN SANITARY DISTRICT)
)
 v.) # 72-24
)
ENVIRONMENTAL PROTECTION AGENCY)

METROPOLITAN SANITARY DISTRICT)
)
 v.) # 72-110
)
ENVIRONMENTAL PROTECTION AGENCY)

Opinion & Order of the Board (by Mr. Currie):

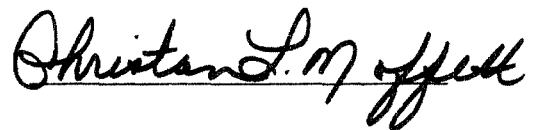
The Sanitary District (MSD) in its first petition (#72-24), filed January 14, 1972, asked for a variance from the then deadline of June, 1972 for advanced sewage treatment at its East Chicago Heights sewage treatment plant. Subsequently we modified the regulations to extend the date for such treatment state-wide to December, 1973, because of substantive changes in treatment requirements. See Water Quality Standards Revisions, #R 71-14, March 7, 1972. The District thereupon filed a new petition (#72-110), asking a variance from the new standard applicable in July of 1972, during the period for constructing interim improvements prior to abandonment of the plant in May 1974. Since this date is after the new deadline for advanced treatment, we interpret the new petition (#72-110) as incorporating the earlier request for an extension to May, 1974, of the advanced treatment requirement as well.

The second petition states the belief that the Board by not scheduling a hearing on the initial request intended to grant it. There is no basis for this belief. It is common practice, authorized by Board rules, to pass on the merits of a petition on the basis of an EPA recommendation without hearing where a hearing seems unnecessary. The initial petition remains before us for disposition. However, adoption of the new regulations renders the initial petition moot, since it sought a variance from provisions no longer in force. The issues today are quite different, as is indicated by the new petition filed by the District. The petition in #72-24 is therefore dismissed as moot.

The petition in #72-110 raises issues we believe can be resolved without hearing. They should be expeditiously resolved so that construction of interim facilities can proceed. We urge the Agency to file its recommendation with the utmost

speed, especially in light of the fact that the District's proposed program has been before us and subject to Agency consideration for nearly three months. We call the Agency's attention in this regard to its recommendation in the Orland Park case, MSD v. EPA, #71-166 (Sept. 16, 1971).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 4th day of April, 1972 by a vote of 4-0.

A handwritten signature in cursive script that reads "Christan L. Moffett". The signature is written in black ink and is positioned to the right of the typed text.