

ILLINOIS POLLUTION CONTROL BOARD
August 15, 1972

VILLAGE OF BRADFORD,)
)
 Petitioner,)
 vs) PCB 72-337
)
 ENVIRONMENTAL PROTECTION AGENCY,)

 Respondent.

PRELIMINARY ORDER (by Mr. Parker):

This variance proceeding was commenced by the filing of a petition with the Pollution Control Board on August 11, 1972. Petitioner seeks to avoid construction of temporary chlorination facilities pending completion of financing for, and construction of, additional sewage treatment facilities.

We find that information in addition to that set forth in the petition will be required in support of the request for a variance, and herewith order that petitioner file an amended petition with the Board on or before September 1, 1972, the amended petition to contain additional information consistent with the requirements of our Procedural Rule 401, including facts as to the feasibility and cost of temporary chlorination facilities and the effects upon the receiving stream or creek. The amended petition should also include a statement by petitioner that the 90 day period provided for in Title 9, Section 38 of the Environmental Protection Act shall commence as of the date of filing of the amended petition.

Petitioner's statements concerning its lack of funds and the attempts which have been made to secure State and Federal financing have been noted. We remind petitioner, however, that the primary obligation of complying with the water pollution and other state regulations rests upon the local government, i.e. the petitioner in this case. Municipalities are responsible for complying with the laws with or without the aid of state or federal assistance (see City of Mattoon v. EPA, PCB71-8, decision dated April 14, 1971, Sanitary District of Durand v. EPA, PCB71-317, decision dated October 18, 1971, EPA v. City of Marion, PCB71-25, decision dated October 28, 1971).

In the absence of the filing of an amended petition on or before September 1, 1972, the original petition will be subject to dismissal.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 15th day of August, 1972, by a vote of 5-0.


Christan L. Moffett