

ILLINOIS POLLUTION CONTROL BOARD  
October 28, 1971

CITY OF FLORA )  
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 v. ) # 71-268  
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 ENVIRONMENTAL PROTECTION AGENCY )

Preliminary Opinion (by Mr. Currie):

The City of Flora petitioned us for a variance to permit the bypassing of incompletely treated sewage during maintenance and repair of its treatment facilities. We authorized a hearing, bearing in mind our prior decisions, Springfield Sanitary District v. EPA, # 70-32 (January 27, 1971); Citizens Utilities Co. v. EPA, # 71-125 (August 13, 1971) to the effect that maintenance should be performed without causing pollution; the effluent standards are not to be met only part time. See also EPA Technical Policy 20-24 (revised July, 1971), Section III, providing that treatment facilities "shall be capable of satisfactory operation during emergencies resulting from . . . maintenance shutdown." A hearing was scheduled for November 24.

The Agency has recommended that the variance be granted, on condition that no inadequately treated sewage be bypassed, stating that the plant is so constructed that adequate treatment can be afforded during maintenance and that the City plans to conform with this condition. The City has asked that on the basis of the recommendation we dispense with the hearing in order to permit the maintenance to be done before winter makes it impracticable. We have not had time to hear the Agency's response. The recommendation states that neighbors have been interviewed and have no objection to the variance; if we read the various communications correctly, there is no dispute as to either facts or appropriate disposition; on these assumptions no hearing would be necessary.

We therefore today announce our intention, absent objection by the parties, to enter the following order Monday, November 1, granting permission to perform the proposed maintenance on the conditions suggested by the Agency. Any objections by either party may be presented before the Board November 1 in its meeting in its office in Chicago.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Opinion this 28 day of October, 1971.

