

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1988

IN THE MATTER OF:)
)
A PETITION FOR SITE SPECIFIC) R87-21
EXCEPTION TO EFFLUENT STANDARDS)
FOR THE GREATER PEORIA SANITARY)
AND SEWAGE DISPOSAL DISTRICT)

ORDER OF THE BOARD (by R. C. Flemal):

On June 9, 1988 the Illinois Environmental Protection Agency ("Agency") filed a motion to file its response to comments instanter. The response period for comments set by hearing officer order expired on May 31, 1988. In support of its motion, the Agency states that its attorney was participating in another proceeding before the Board, and that its normal operations were hindered by the remodeling of Agency offices during May 19 - 31, 1988. The Board grants the Agency's June 9, 1988 motion and accepts the Agency's response to comments, which will be docketed as public comment.

On June 22, 1988 the Agency also filed a request for leave to file a letter dated June 14, 1988 from Charles H. Sutfin of the United States Environmental Protection Agency, Region 5 ("USEPA"). In support of its motion, the Agency states that the letter contains the comments of USEPA concerning the Greater Peoria Sanitary and Sewage Disposal District's ("District") proposal and is relevant to the issue of consistency with federal law. The Agency further requests that this letter be entered into the record as an exhibit.

On June 30, 1988, the District filed a response to the Agency's motion to file in which it objects to the "introduction of this letter as an exhibit unless Mr. Sutfin or any persons who produced that letter are made available at hearing and subject to cross-examination".

The Board declines to enter the USEPA letter into the record as an exhibit. However, the Board does grant the Agency's June 22, 1988 motion to the extent that it accepts the USEPA letter into the record as public comment, with the understanding that the letter will be given the weight properly accorded public comment.

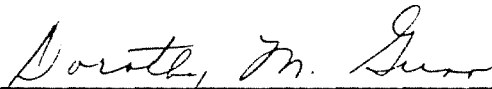
The USEPA letter itself highlights a threshold issue in this proceeding, that being the question of whether the proposal is compatible with federal law. Although the Board at this time believes that an additional hearing on this issue is unnecessary, the Board would like to afford the proponent and interested

participants opportunity to fully comment on this issue. Therefore, any additional comments on this issue may be filed on or before August 12, 1988.

Lastly, on June 30, the Illinois Department of Energy and Natural Resources ("DENR") filed a motion for leave to file comments instanter. That motion is granted. To the extent that the DENR filing may present issues not already addressed by the participants, the Board will accept comment on the DENR comments filed on or before the same August 12, 1988 date.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 13th day of July, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board