

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2000

CITY OF ROCK ISLAND,)
)
 Petitioner,)
)
 v.) PCB 98-164
) (Variance - Water)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)
)
 ORDER OF THE BOARD (by E.Z. Kezelis):

On July 13, 2000, the Board entered an order granting the City of Rock Island's request for a variance. As a condition to the granting of the variance, the Board ordered Rock Island to resume its Shoreline Inspection Program, aimed at mitigating adverse impacts from combined sewer overflows to the shoreline and receiving stream. See City of Rock Island v. Illinois Environmental Protection Agency (July 13, 2000), PCB 98-164. The Board included specific steps Rock Island must take in order to comply with this program. *Id.*

On August 16, 2000, Rock Island filed a motion to modify the Board's July 13, 2000 order. Specifically, Rock Island seeks to have the Board modify the specific Shoreline Inspection Program to require Rock Island comply with the current Shoreline Inspection Program that is, according to Rock Island, being performed in accordance with terms agreed to by the Illinois Environmental Protection Agency (Agency). The terms of the current plan, however, are not part of the record and were not provided by Rock Island. The Agency has not responded to the motion to modify.

On September 18, 2000, Rock Island submitted a letter, with attachments, to Board Hearing Officer John Knittle. This letter contains a basic outline of Rock Island's Combined Sewer Overflow (CSO) Flow Maintenance Program and of Rock Island's Shoreline Inspection Program. A review of the September 18, 2000 submittal in the context of the motion to modify leads the Board to conclude that the only real modification Rock Island is requesting is in the timing of the shoreline inspections. Specifically, in its order of July 13, 2000, the Board ordered Rock Island to perform a shoreline inspection within 12 hours of a CSO event. Rock Island currently performs inspections within 24 hours of a CSO event and, for various reasons, prefers to continue with the 24-hour schedule.

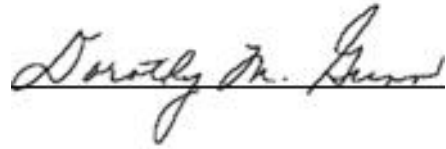
The Board finds that Rock Island's request to modify the Board's July 13, 2000 order, so as to require that a shoreline inspection be performed within 24 hours of a CSO event, is reasonable. The Board grants the motion and hereby modifies condition number three of its July 13, 2000 order as follows:

3. For the term of this Variance, Rock Island shall resume its Shoreline Inspection Program to mitigate adverse impacts from combined sewer overflows (CSO) to the shoreline and receiving stream. The Shoreline Inspection Program shall include:
 - a. Within twenty four hours following the subsidence of any overflow event, Rock Island shall inspect the area near the CSO outfall and shoreline up to 1000feet downstream of the CSO outfall for offensive or hazardous debris.

IT IS SO ORDERED.

Chairman C.A. Manning abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of September 2000 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board