

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1988

CITY OF FARMINGTON,)
)
 Petitioner,)
)
 v.) PCB 85-203
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (By J. Anderson):

On December 3, 1987, The Board issued an Order requiring the parties to clarify a discrepancy in dates contained in the Agency's Amended Recommendation, dated July 1, 1987. The Board Order of December 3, 1987 also requested a status report concerning Petitioner's compliance schedule. On December 16, 1987, Respondent, Illinois Environmental Protection Agency (Agency), responded by filing Agency's Response To The Board's Interim Order And Second Amended Agency Recommendation.

The Agency response states that Petitioner has failed to adhere to the compliance schedule which was agreed to by the parties and which was later incorporated into the compliance schedule contained in the Agency's First Amended Variance Recommendation. Additionally, the Agency's response references recent telephone conversations with Farmington's Attorney wherein he indicated a prospective unwillingness to undertake the agreed upon compliance project. The Board notes that these allegations of fact are not attested to, nor is the filing accompanied by an affidavit.

Petitioner, City of Farmington, has not yet responded to the Board's Order of December 3, 1987.

Petitioner, is hereby given until February 7, 1988 to respond to the Board's Order of December 3, 1987. Specifically, Petitioner shall state whether Petitioner has adhered to the compliance schedule contained in the Agency's First Amended Variance Recommendation. Additionally, Petitioner shall disclose to the Board whether or not Petitioner intends to proceed with the compliance project contained in that compliance schedule.

If the Board does not receive Petitioner's response within 30 days of the date of this Order, this action will be subject to dismissal with prejudice.

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 7th day of January, 1988, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board