ILLINOIS POLLUTION CONTROL BOARD January 8, 1987

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IN THE MATTER OF:)	
)	
)	R86-25
PETITION FCR SITE-SPECIFIC)	
RULE CHANGE FOR THE)	
VILLAGE OF TILTON)	
	}	

CRDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a Motion to Dismiss Amended Petition for Site Specific Rule Change filed by the Illinois Environmental Protection Agency (Agency) on December 17, 1986. The Agency asserts that the Amended Petition for Site Specific Rule Change (Amended Petition) filed by the Village of Tilton (Tilton) is substantively deficient and should be dismissed by the Board. In support of its position, the Agency relies upon the information requirements of the Board's Proposed Procedural Rules. The Board agrees with the Agency's position that the Board cannot enforce regulations which have not yet been adopted. However, the Board also finds that the petition is deficient according to regulations presently in force. The Board denies the Agency's Motion to Dismiss and orders Tilton to file a second amended petition.

Ey its Crder of Cctober 23, 1986, the Board ordered the Tilton to amend its petition in accordance with the existing petition requirements as set forth in 35 Ill. Adm. Code On November 12, 1986, Tilton filed its Amended In its Amended Petition, Tilton supplied the Poard Petition. with language of the proposed regulation which had been lacking in Tilton's original petition. However, Tilton still has not properly addressed "factors as listed in Section 27 of the Environmental Protection Act" as is required by 35 Ill. Adm. Code 102.120(b). Among these factors, the Board is particularly interested in substantive information on the water quality and flow of the unnamed creek into which Tilton is discharging its sewage treatment plant effluent. In addition, the Board is requesting that Tilton provide a map which identifies the facility, receiving waters, and surrounding features which are relevant to this proceeding. The Board hereby orders Tilton to file a second amended petition, consistent with the requirements of this Order, within 45 days of the date of this Order. event that Tilton fails to file within this time period, this matter will be subject to dismissal.

IT IS SC CRDERED.

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the _	Set	day of	· Jas	war		1987,	by a	vote		
of _		6-0		<u> </u>						
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Dorothy M. Gunn, Clerk
Illinois Follution Control Board