

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1985

IN THE MATTER OF: )

PETITION OF CITY OF PANA FOR )  
SITE SPECIFIC RELIEF FROM )  
PHOSPHOROUS REGULATIONS )

) R84-44  
)  
)  
)  
)

ORDER OF THE BOARD (by J. Marlin):

On August 1, 1985 the City of Pana (Pana) filed a motion to stay this proceeding. The reason given is that the Illinois Environmental Protection Agency (Agency) represented at the end of the hearing held in Pana, Illinois on April 9, 1985 that it would be reviewing the 1 mg/l phosphorous effluent standard of 35 Ill. Adm. Code 304.123 (Tr. 99-105). The Agency filed its response on August 22, 1985 stating that it would conduct a review of the phosphorous discharge limitations and would submit its findings to the Board by January 1, 1986.

The Board hereby denies the motion to stay for two reasons. First, the Board frowns on keeping dockets open for long periods of time, especially when an alternate relief mechanism is available. The variance process is available to Pana. Second, the Agency in its response has not stated that it would file a proposal for regulatory change, only that it would submit comments. Even if a proposal were filed, such proceeding could take one to two years for completion. Furthermore, page 5 of the petition appears to ask for regulatory relief or alternately, regulatory relief in the form of a variance. Even assuming that Pana meant for its submission to stand as a petition for variance, it is insufficient in content.

Therefore, Pana must consider whether it wants to proceed with the site-specific proceeding on the merits of the record. Alternatively, it could seek to voluntarily dismiss the action or seek dismissal and pursue relief through the variance process. Unless Pana informs the Board of its intentions in writing within thirty days of the date of this Order, this proceeding will be subject to dismissal.

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 20th day of September, 1985 by a vote of 7-0.

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