

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

PETITION OF THE GALESBURG)
SANITARY DISTRICT, GALESBURG,)
ILLINOIS, FOR AN ADJUSTED) AS 94-20
STANDARD FROM 35 ILL. ADM.) (Adjusted Standard-Water)
CODE PART 304.105)
AMMONIA NITROGEN)

ORDER OF THE BOARD (By J. Yi):

On December 30, 1994, the Galesburg Sanitary District (District) filed a petition for adjusted standard pursuant to 35 Ill. Adm. Code Part 106 and Section 28.1 of the Environmental Protection Act (Act). (415 ILCS 5/28.1 (1992).) The District is seeking an adjusted standard from 35 Ill. Adm. Code 304.105 as it applies to the discharge of ammonia nitrogen to Cedar Creek from its wastewater treatment plant (plant) located in Knox County. The District waived its right to a hearing. The certificate of publication was filed on January 17, 1995, demonstrating that notice was published on January 6, 1995. There has been no request from the public for a hearing in this matter. The Illinois Environmental Protection Agency (Agency) filed its recommendation and a motion to file instanter on February 17, 1995. We grant the Agency's motion to file its recommendation instanter.

The District filed a motion for stay and clarification on March 3, 1995. The District requests a thirty (30) day stay of the Board's decision in this matter to allow it time to file an amended petition. Additionally, the District requests clarification as to whether a new public notice is required to be made in connection with the filing of the amended petition and whether the District can request a hearing after the Agency files its recommendation to the amended petition even though it waived its right to a hearing in its petition. The Agency has not filed a response to the motion.

The Board grants the request for stay in this matter. The proceedings in this matter will be stayed until April 7, 1995. The District is not required to cause new publication of notice if the amended petition being filing does not request any additional relief and is for the same facility. The Board on its own motion pursuant to Section 28.1 (d)(2) of the Act is setting this matter for hearing. (415 ILCS 5/28.1(d)(2) (1992).) Therefore, the District's request for clarification relating to hearings waivers and requests is moot.

The Board grants the motion for stay and directs that this matter be scheduled for hearing after the amended petition is filed. This is a type of case for which the Act prescribes no

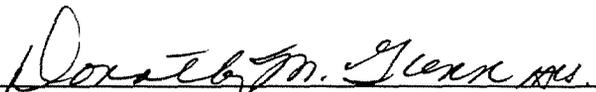
deadline for decision, although as noted the Act requires the petitioner to timely pursue disposition of the petition. Therefore, hearing must be scheduled and completed in a timely manner, consistent with Board practices and 35 Ill. Adm. Code Part 101 and Part 106, subpart G. The Board will assign a hearing officer to conduct hearings consistent with this order and the Clerk of the Board shall promptly issue appropriate directions to that hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

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 16th day of March, 1995, by a vote of 2-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board