

ILLINOIS POLLUTION CONTROL BOARD
June 22, 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 (1994).) 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 Board on March 16, 1995, granted the District's motion for a 30-day stay in this matter to file an amended petition. The District filed its amended petition on April 6, 1995. The Board also, on its own motion pursuant to Section 28.1 (d)(2) of the Act, set this matter for hearing. (415 ILCS 5/28.1(d)(2) (1994).)

The Illinois Environmental Protection Agency (Agency) filed its response to the petition on February 17, 1995. Pursuant to 35 Ill. Adm. Code 106.715 the Agency may amend its response not later than 30 days subsequent to the amending of the petition. The Agency filed an amended response on May 15, 1995 and a motion to file the amended response instanter. The Board accepted the Agency's response on May 15, 1995.

On June 12, 1995, the District filed a motion for leave to file a reply to the Agency's amended response, a reply to the Agency's amended response and a response to the motion to exclude filed by the Agency on June 9, 1995. The Board had directed the assigned hearing officer to address the Agency's motion to exclude. The hearing officer entered an order denying the motion to exclude on June 21, 1995. On June 22, 1995, the Board received via facsimile an emergency motion to file a motion to review the hearing officer's order. The Board grants the motion to file the emergency motion to file the motion to review the hearing officer's order.

The Board denies the motion to review and affirms the hearing officer's order denying the Agency's motion to exclude. The hearing shall go forward as scheduled on June 27, 1995. The Board grants the District's motion for leave to file a reply to the Agency's amended response and therefore accepts the reply.

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 22nd day of June, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board