

ILLINOIS POLLUTION CONTROL BOARD

March 20, 1997

VILLAGE OF FOX RIVER GROVE,	)	
ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-156
	)	(Permit Appeal - NPDES)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On March 12, 1997 the Village of Fox River Grove filed a petition for review of permit regarding its wastewater treatment facility located at 1215 Hillcrest, Fox River Grove, McHenry County, Illinois. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105).¹ 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 assigned 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 and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now July 10, 1997 (120 days from March 12, 1997); the Board meeting immediately preceding the due date is scheduled for July 10, 1997.

¹ On page of 9 of its petition, petitioner purports to waive the decision deadline subject to reinstatement. This process is part of the Board's proposed procedural rules in pending docket R97-8 which is not yet in effect. Waivers are currently governed by 35 Ill. Adm. Code 101.105, which does not allow for contingent waivers of this type. If petitioner wishes to waive the decision deadline here, it must either provide an open waiver or a waiver to a calendar date certain.

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. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board