

ILLINOIS POLLUTION CONTROL BOARD  
April 17, 1997

CENTRAL ILLINOIS PUBLIC SERVICE	)	
COMPANY (NEWTON STATION),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-159
	)	(Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

On March 17, 1997 Central Illinois Public Service Company (CIPS) filed a petition requesting a variance from the thermal standards applicable to Newton Lake. On April 3, 1997 the Board found the petition satisfied the requirements of 35 Ill. Adm. Code 104.121, and accordingly accepted the petition.

CIPS waived hearing, as allowed under 35 Ill. Adm. Code 104.124. However, on April 4, 1997 the Board received an objection to the petition for variance from Marvin Elmore and Adolph Zumbahlen. The objection specifically requests a hearing on the petition for variance.

The Environmental Protection Act provides that if ...any...person files a written objection to the grant of...variance within 21 days, together with a written request for hearing, then a hearing shall be held (415 ILCS 5/37(a)). The instant objection satisfies this statutory provision. Accordingly the Board will set this matter for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable decision deadline. 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 15, 1997; the Board meeting immediately preceding the decision deadline is scheduled for July 10, 1997.

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.

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