

ILLINOIS POLLUTION CONTROL BOARD  
September 19, 2022

AQUA ILLINOIS INC., )  
 )  
 Petitioner, )  
 )  
 v. )  
 ) PCB 23-12  
 ILLINOIS ENVIRONMENTAL ) (Permit Appeal – Water)  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

**HEARING OFFICER ORDER**

On August 26, 2022, the respondent, Illinois Environmental Protection Agency (Agency), filed the record on appeal. In footnote 1 of the Certificate of Record on Appeal, the Agency writes:

On August 8, 2022, Respondent filed a Motion to Dismiss Petitioner’s Permit Appeal as to Additional Condition No. 3, and, subsequently, on August 12, 2022, Petitioner filed a Motion to Voluntarily Withdraw Petition for Review as to Additional Condition No. 3. Accordingly, Respondent did not include documents concerning Additional Condition No. 3 in its Record on Appeal.

Section 105.212 of the Board’s procedural rules, 35 Ill. Adm. Code 105. 212, requires that the “Agency must file its **entire** Agency record of decision with the Clerk in accordance with Section 105.116 (emphasis added).” It appears that the Agency misunderstands the plain language of the Board rules and unilaterally decided it was not required to file the documents concerning Additional Condition No. 3 because of their pending motion.

The Board’s rules require the entire record of the Agency decision be filed with the Board. Therefore, the Agency is directed to file the entire record on appeal, including documents concerning Additional Condition No. 3, on or before September 23, 2022.

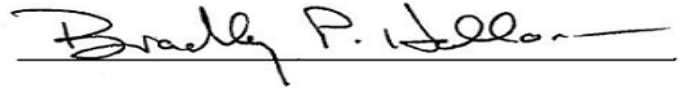
Additionally, on September 2, 2022, the Agency filed a request to amend the record stating:

Because the Permit Appeal as to Additional Condition Nos. 4 and 5 is moot, the Record must be amended to reflect only the applicable documents relating to the sole remaining condition on appeal.

While the petitioner does not object to that motion, the motion to amend is denied because the Board’s rules require the filing of the entire Agency record.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on September 26, 2022, at 1:00 p.m. The telephonic status conference must be initiated by the petitioner, and provide a call-in number, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

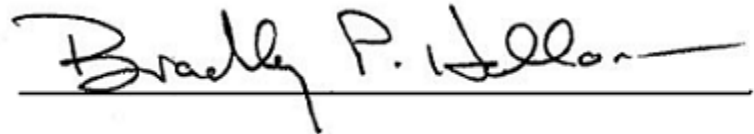
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[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on September 19, 2022, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was delivered to the following on September 19, 2022:

Don Brown  
Illinois Pollution Control Board  
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Chicago, Illinois 60605



Bradley P. Halloran  
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