

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

APPENDIX G

Forms

Illustration A Citizen's Formal Enforcement Complaint

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

FOR OFFICE USE ONLY

Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original

CITIZEN'S FORMAL ENFORCEMENT COMPLAINT

_____)
 _____)
 {insert name of citizen(s) or organization })
 who is filing the complaint })
 Complainant,)
)
 v.)
 _____)
 _____)
 {insert the name of alleged polluter })
 Respondent.)

PCB ____ {Clerk's office Use}
(Citizen Enforcement - X) {for
Clerk's office use}

Pursuant to Section 31(b) of the Act any person may file a complaint against any person allegedly violating this Act or any rule or regulation thereunder or any permit or term or condition thereof. (415 ILCS 5/31(b).) This form is to be utilized if you desire to file a formal complaint against an alleged polluter. If, however, you desire to request that an Informal Agency Investigation pursuant to 35 Ill. Adm. Code 103.208 the form found at 35 Ill. Adm. Code 101. Appendix G, Illustration H should be utilized. The following parts of this form must be filled out and the directed actions completed in order for the Board to process this matter. Once filled out an original and eleven copies of this form must be filed with the Clerk of the Board at the above address. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS AND INFORMATION

Appropriate filing and service is the responsibility of the person or entity filing the complaint and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304, 103.200 and 103.204). Additionally, any attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101, Subpart B.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

B. INFORMATIONAL REQUIREMENTS

1. Describe the type of business or activity which you allege (believe) is causing pollution.

2. List specific sections of the environmental protection act and/or board regulations which you allege (believe) are being violated.

3. Describe the type of alleged pollution (for example air, odor, noise, water, drinking water, sewer back-ups) and the location of the alleged pollution. Be specific as possible in describing the pollution discharge or emission.

4. Describe the duration and frequency of the alleged pollution. Be specific as possible about when you noticed the alleged pollution, how frequently it occurs, and whether it is still continuing; include dates and/or times of day if available.

5. Describe any bad effects which you believe the alleged pollution has on human health, plant or animal life, or the environment.

6. Describe the relief you wish the Board to grant (for example, an order that the Respondents stop polluting, perform a specific action, make a specific change in its operation, and/or pay a money penalty; the Board cannot order Respondent to pay you money damages, attorney's fees or any out-of-pocket expenses which you incur by filing this complaint.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

7. State whether you know if there is any court or other forum in which you are or anyone else suing or complaining against this Respondent for the same alleged pollution discharge or emission.

C. CERTIFICATION

The following "Certification" is optional but is strongly encouraged.

I _____ having read the above do hereby swear and attest that I have read the forgoing and I have filled out the above form accurately and to the best of my knowledge.

Subscribed to and Sworn before me this _____ day of _____, 19__.

Notary Public

My Commission Expires

C. PROOF OF SERVICE

I, the undersigned, being first sworn, states that an original copy of the complaint and a copy of the notice of filing (An example of a "Notice of Filing" can be found at 35 Ill. Adm. Code 101.Appendix D) was mailed, or personally served, to the Respondents of this action at the below listed address on this date _____ by: (Check appropriate box)

- Certified Mail (attach copy of receipt)
- Registered Mail (attach copy of receipt)
- Personal Service

RESPONDENT'S ADDRESS

NAME: _____

STREET: _____

CITY, STATE AND ZIP: _____

Complainant(s)

SUBSCRIBED AND SWORN TO BEFORE ME this ___ day of _____, 19__.

Notary Public

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

D. REPRESENTATION

I recognize that the Pollution Control Board hearing will be conducted before a duly authorized hearing officer of the Board and that the hearing will comport with standards of judicial conduct typical in court. I will appear at the hearing as follows:

- Pro Se (On my own behalf, without an attorney.)

- By an attorney duly licensed to practice law in the State of Illinois (Please attach or have attorney file an appropriate notice of appearance in this matter.)

E. COMPLAINANT INFORMATION

Name

Address (Street)

(County)

(City)

(State)

(Zip Code)

() _____

Telephone Number (contact person)

() _____

Fax Number

Signature

Date

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration B Request for Informal Agency Investigation

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

FOR OFFICE USE ONLY

Date Filed: _____
Rec'd by: _____
Date forwarded to the Agency: _____

REQUEST FOR INFORMAL AGENCY INVESTIGATION

Any person may request an informal Agency investigation by completing this form and filing it with the Clerk of the Board at the address above pursuant to 35 Ill. Adm. Code 103.208. The Board will forward the request to the Agency. The Agency will then inform the person who filed the request and the Board of its results of the investigation or its decision not to investigate. The Board will take no further action beyond forwarding the request to the Agency.

A. GENERAL INFORMATION

The following information must be provided:

1. Type of Pollution (Check one of the following)

- | | |
|---|--|
| <input type="checkbox"/> Noise | <input type="checkbox"/> Air (including odors) |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazardous waste |
| <input type="checkbox"/> Garbage | <input type="checkbox"/> Drinking Water |
| <input type="checkbox"/> Sewer Back-ups | <input type="checkbox"/> Other (Please describe below) |

2. Describe the source and location of pollution (be as specific as you can).

3. Describe the duration and frequency of the alleged pollution. Be specific as possible about when you noticed the alleged pollution, how frequently it occurs, and whether it is still continuing; include dates and/or times of day if available.

4. Provide any other information which would help in the investigation.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

B. INFORMATION ON PERSON REQUESTING INFORMAL AGENCY INVESTIGATION

Name

Address (Street)

(County)

(City)

(State)

(Zip Code)

()

Telephone Number (contact person)

()

Fax Number

Signature

Date

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration C Petition for Variance

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

FOR OFFICE USE ONLY

Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original
Check Number: _____	<input type="checkbox"/> Filing Fee Received

PETITION FOR VARIANCE

_____))
_____))
_____))
Petitioner,)
))
v.) PCB _____)
) (Variance - Air))
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

To petition for a variance from an environmental regulation or regulations in accordance with Title IX of the Environmental Protection Act (Act), one executed copy of this form, plus eleven (11) copies of all necessary accompanying documents (see Part B below), must be filed with the Pollution Control Board in the office of the Clerk at the above address. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS

Appropriate filing and service is the responsibility of the Petitioner and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304 and 104.202). Additionally, all attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101.Subpart B.

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B. REQUIREMENTS FOR FILING VARIANCE

Set forth in 35 Ill. Adm. Code 104.204, 104.206, and 104.208 are the petition content requirements for all variance petitions. Please check those sections to assure that all information is submitted with this form. Please check the following items to indicate that they are included with the filing.

- RCRA Variance. Yes No
- Variance from Clean Air Act regulations which will result in an amendment to the State's Implementation Plan.
- Petition for modification of internal variance compliance dates. (Such petition should contain the docket number associated with the variance being modified.)
- Petition for extension of prior variance.
- Original plus eleven copies of the petition and all documents submitted in support of that petition.
- Filing fee (\$75 for Petition for Variance).
- Signature of the party or authorized agent thereof on the original copy.
- Information required pursuant to 35 Ill. Adm. Code 104.204, and 104.206.
- A statement that Board relief is consistent with Federal law pursuant to 35 Ill. Adm. Code 104.208.

C. HEARING

Do not complete this section if the petitioner requests a variance that would result in an amendment to the State Implementation Plan for a critical pollutant under the federal Clean Air Act; or if the request concerns a RCRA variance, as a hearing is required for those variance types.

Please check one of the following:

- The petitioner requests a hearing.
- The petitioner does not request a hearing but understands that a hearing may be held upon another person's request or if the Board deems a hearing advisable .

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

D. WAIVER OF DECISION DEADLINE

You are entitled to receive a decision from the Board on your appeal within 120 days. Adherence to this deadline, however, forces the Board to allow an extremely limited time frame for discussion, negotiation, discovery, preparation, hearings and case briefing. If you anticipate that you will not be prepared for a hearing within 60 days, and/or if you foresee a more extensive commitment of time for negotiations and discussion, you may elect to waive your right to a 120-day decision period. Please check one of the following to indicate the course of action you elect:

- Open waiver. I waive the decision deadline completely and unequivocally.
- Negotiation waiver. I waive the decision deadline until such time as I elect to reinstate the 120-day decision period by filing a notice to reinstate. (Upon proper filing of the notice, the 120-day decision deadline will be reinstated by the Board and the 120-days begins to run as of the date the notice is filed.)
- Time certain waiver. I waive the decision deadline until *{Insert Date}*_____ .
- No waiver. I do not desire to waive the decision deadline at this time and, accordingly, agree to adhere to all time frames as set forth by the Board and hearing officer.

E. PETITIONER REPRESENTATIVE INFORMATION

Name of Primary Attorney or Authorized Representative Title

Name of Firm

Business Address (Street) (County)

(City) (State) (Zip Code)

() ()

Telephone Number (contact person) Fax Number

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration D Petition for an Extension of Time to File a Petition for Review of an Agency Final Decision

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

FOR OFFICE USE ONLY

Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original
Check Number: _____	<input type="checkbox"/> Filing Fee Received

PETITION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR REVIEW OF AN AGENCY FINAL DECISION

_____))
 _____))
 _____))
{insert name of person/entity filing})
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB _____ {for Clerk's Office Use}
(Extension of Time)

To petition for review of a final decision of the Illinois Environmental Protection Agency (Agency) in accordance with Section 40 or 40.2 of the Environmental Protection Act (Act), a petition for review **or** an extension of time must be filed with the Pollution Control Board in the office of the Clerk at the above address within 35 days of the date of service of the final decision of the Agency. Sections 40(a), 40(c) and 40.2(a) of the Act allow for extension of time to file a petition for review. Upon appropriately filing this form, the petitioner has a total of 90 days from the date of service of the Agency's final decision to file a petition for review before the Board. The time of filing is the day (before 4:30 p.m.) the Clerk's office docketed the petition for an extension as being a complete filing or, if filing is by U.S. mail, the date a complete filing was postmarked by the U.S. Postal Service. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office.

A. GENERAL INSTRUCTIONS

This form is to be filled out as directed and served and filed pursuant to the requirements set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302 and 101.304).

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

B. CASE TYPE

Please check the following to indicate the type of case for which the extension is being requested:

- PERMIT DECISION:** The requested extension concerns a final Agency permit decision which is being brought pursuant to Section 40(a)(1) of the Act.
- HAZARDOUS WASTE PERMIT DECISION:** The requested extension concerns a final Agency decision which is being brought pursuant to Section 40(c) of the Act.
- CAAPP PERMIT DECISION:** The requested extension concerns a final Agency decision which is being brought pursuant to Section 40.2(a) of the Act.
- OTHER AGENCY FINAL DECISION:** The requested extension concerns a final Agency decision which is being brought pursuant to Section 40 (a)(1) of the Act.

C. EXTENSION NOTIFICATION

Please fill out one of the appropriate portions below, with appropriate signatures, that corresponds with your indicated Case Type in Part B of this form.

If you are filing an extension for an Agency **PERMIT DECISION, OTHER AGENCY FINAL DECISION** or a **LEAKING UNDERGROUND STORAGE TANK DECISION** the following must be completed and signed by yourself and an Agency representative:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

PETITIONER

BY: _____
Authorized Signature

BY: _____

Please print name and title.

Please print name and title.

I understand by signing above I am representing that the Agency is in agreement with the requested extension.

I understand by signing above I am representing that the petitioner is in agreement with the requested extension.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

If you are the permit applicant and are filing an extension for an Agency **HAZARDOUS WASTE PERMIT DECISION** or **CAAPP PERMIT DECISION** the following must be completed and signed by yourself and an Agency representative:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

PERMIT APPLICANT

BY: _____
Authorized Signature

BY: _____

Please print name and title.

Please print name and title.

I understand by signing above I am representing that the Agency is in agreement with the requested extension.

I understand by signing above I am representing that the petitioner is in agreement with the requested extension.

If you are **NOT** the permit applicant and are filing an extension for an Agency **HAZARDOUS WASTE PERMIT DECISION** or **CAAPP PERMIT DECISION** the following must be completed and signed by yourself, an Agency representative and a permit applicant representative:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

PERMIT APPLICANT

BY: _____
Authorized Signature

BY: _____

Please print name and title.

Please print name and title.

I understand by signing above I am representing that the Agency is in agreement with the requested extension.

I understand by signing above I am representing that the petitioner is in agreement with the requested extension.

PETITIONER

BY: _____

I understand by signing above I am representing that the petitioner is in agreement with the requested extension.

Please print name and title.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

D. PETITIONER REPRESENTATIVE INFORMATION

Name of Primary Attorney, Contact Person or Petitioner

Title

Name of Firm

Business Address (Street)

(County)

(City)

(State)

(Zip Code)

()

()

Telephone Number (of contact person)

Fax Number

SIGNATURE

TITLE

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration E Petition to Review Final Illinois Environmental Protection Agency Decisions

**STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 JAMES R. THOMPSON CENTER, SUITE 11-500
 100 WEST RANDOLPH STREET
 CHICAGO, ILLINOIS 60601
 (312) 814-3620**

FOR OFFICE USE ONLY	
Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original
Check Number: _____	<input type="checkbox"/> Filing Fee Received

PETITION TO REVIEW FINAL AGENCY DECISION

_____))
 _____))
 _____))
 {insert name of person/entity filing})
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY and)
 _____))
 {insert permit applicant is applicable})
 Respondent(s).)

PCB _____ {for Clerk's Office Use}
 (_____) {for Clerk's Office Use}

To appeal a final decision of the Illinois Environmental Protection Agency (Agency) in accordance with Sections 40 and 40.2 of the Environmental Protection Act (Act), one executed copy of this form, plus eleven (11) copies of all necessary accompanying documents (see Part B below), must be filed with the Pollution Control Board in the office of the Clerk at the above address within 35 days of the date of service of the final decision of the Agency. *(If petitioner is seeking an extension of time to file its petition, this form should **not** be utilized and the Board's Form#-- entitled "Extension of Time to File Petition" should be used.)* (See 35 Ill. Adm. Code 101.Appendix G Illustration B.) The time of filing is the day (before 4:30 p.m.) the Clerk's office docketed the petition as being a complete filing or, if filing is by U.S. mail, the date a complete filing was postmarked by the U.S. Postal Service. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS

Appropriate filing and service is the responsibility of the Petitioner and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304 and 105.106). Additionally, all attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101.Subpart B.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

B. TYPE OF DECISION BEING APPEALED AND PETITIONER STATUS

Please indicate your status by checking the appropriate box below:

- I am the permit applicant and I am petitioning the Agency.
- I am not the permit applicant and I am petitioning the Agency decision in a RCRA, Hazardous waste, or CAAPP permit decision.

Please indicate by checking the appropriate box below the type of decision being appealed:

- Agency permit decision
- Agency RCRA permit decision
- Agency hazardous waste permit decision
- Agency CAAPP permit decision
- Other Agency final decision brought pursuant to Section 40 of the Act

C. NECESSARY ATTACHMENTS

Please check that the following necessary items are included with this filing:

- \$75 filing fee
- Eleven copies of the written Agency decision
- Eleven copies of the petition for review, which should contain the specifications of the grounds for appeal and other information required by 35 Ill. Adm. Code Part 105

D. PERMIT APPLICANT'S WAIVER OF DECISION DEADLINE

The permit applicant is entitled to receive a decision from the Board on an appeal of an **Agency** final decision within 120 days of the date of the filing of an appropriate petition. If you are not the permit applicant you may not waive the decision deadline. Adherence to this deadline, however, requires the Board to proceed expeditiously. The time for discovery, case preparation and briefing, and hearings will necessarily be limited. If you anticipate that you will not be prepared for a hearing within 60 days, and/or if you foresee a more extensive commitment of time for negotiations and discussion, you may elect to waive your right to a 120-day decision period. Please check one of the following:

- Open waiver. I waive the decision deadline completely and unequivocally.
- Negotiation waiver. I waive the decision deadline until such time as I elect to reinstate the 120-day decision period by filing a notice to reinstate. (Upon proper filing of the notice, the 120-day decision deadline will be reinstated by the Board and the 120-days begins to run as of the date the notice is filed.)
- Time certain waiver. I waive the decision deadline until (*Insert Date*)_____.
- No waiver. I do not desire to waive the decision deadline at this time and, accordingly, agree to adhere to all time frames as set forth by the Board and hearing officer.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

E. PETITIONER REPRESENTATIVE INFORMATION

Name of Primary Attorney, Contact Person or Petitioner Title

Name of Firm

Business Address (Street) (County)

(City) (State) (Zip Code)

() ()

Telephone Number (of contact person) Fax Number

SIGNATURE: TITLE:

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

**Illustration F Petition to Review Final Illinois Environmental Protection Agency
Underground Storage Tank Decision**

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
 JAMES R. THOMPSON CENTER, SUITE 11-500
 100 WEST RANDOLPH STREET
 CHICAGO, ILLINOIS 60601
 (312) 814-3620

FOR OFFICE USE ONLY	
Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original
Check Number: _____	<input type="checkbox"/> Filing Fee Received

**PETITION TO REVIEW FINAL ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY UNDERGROUND STORAGE TANK DECISION**

_____))
 _____))
 _____))
 {insert name of person/entity filing})
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY and)
 _____))
 {insert permit applicant is applicable})
 Respondent(s).)

PCB _____ {for Clerk's Office Use}
 (_____) {for Clerk's Office Use}

To appeal a final decision of the Illinois Environmental Protection Agency (Agency) in accordance with Sections 57.1 et seq. of the Environmental Protection Act (Act), one executed copy of this form, plus eleven (11) copies of all necessary accompanying documents (see Part B below), must be filed with the Pollution Control Board in the office of the Clerk at the above address within 35 days of the date of service of the final decision of the Agency. *(If petitioner is seeking an extension of time to file its petition, this form should **not** be utilized and the Board's Form#-- entitled "Extension of Time to File Petition" should be used.)* (See 35 Ill. Adm. Code 101.Appendix G Illustration B.) The time of filing is the day (before 4:30 p.m.) the Clerk's office docketed the petition as being a complete filing or, if filing is by U.S. mail, the date a complete filing was postmarked by the U.S. Postal Service. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS

Appropriate filing and service is the responsibility of the Petitioner and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304 and 105.106). Additionally, all attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101.Subpart B.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

B. NECESSARY ATTACHMENTS

Please check that the following necessary items are included with this filing:

- \$75 filing fee
- Eleven copies of the written Agency decision.
- Eleven copies of the petition for review, which should contain the specifications of the grounds for appeal and other information required by 35 Ill. Adm. Code Part 105.

C. PERMIT APPLICANT'S WAIVER OF DECISION DEADLINE

The permit applicant is entitled to receive a decision from the Board on an appeal of an **Agency** final decision within 120 days of the date of the filing of an appropriate petition. If you are not the permit applicant you may not waive the decision deadline. Adherence to this deadline, however, requires the Board to proceed expeditiously. The time for discovery, case preparation and briefing, and hearings will necessarily be limited. If you anticipate that you will not be prepared for a hearing within 60 days, and/or if you foresee a more extensive commitment of time for negotiations and discussion, you may elect to waive your right to a 120-day decision period. Please check one of the following:

- Open waiver. I waive the decision deadline completely and unequivocally.
- Negotiation waiver. I waive the decision deadline until such time as I elect to reinstate the 120-day decision period by filing a notice to reinstate. (Upon proper filing of the notice, the 120-day decision deadline will be reinstated by the Board and the 120-days begins to run as of the date the notice is filed.)
- Time certain waiver. I waive the decision deadline until (*Insert Date*)_____.
- No waiver. I do not desire to waive the decision deadline at this time and, accordingly, agree to adhere to all time frames as set forth by the Board and hearing officer.

D. PETITIONER REPRESENTATIVE INFORMATION

Name of Primary Attorney, Contact Person or Petitioner Title

Name of Firm

Business Address (Street) (County)

(City) (State) (Zip Code)

() ()

Telephone Number (of contact person) Fax Number

SIGNATURE: TITLE:

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration G Petition to Review Pollution Control Facility Siting Decision

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

FOR OFFICE USE ONLY

Date Filed: _____	<input type="checkbox"/> Correct Number of Copies Filed
Rec'd by: _____	<input type="checkbox"/> Signatures on Original
Check Number: _____	<input type="checkbox"/> Filing Fee Received

**PETITION TO REVIEW
POLLUTION CONTROL FACILITY SITING DECISION**

_____))
 _____))
{insert name of person/entity filing})
 Petitioner,)
 _____))
 v.)
 _____))
{insert name of siting authority and,)
if applicable, siting applicant})
 Respondent.)

PCB _____ {for Clerk's Office Use}
(Pollution Control Facility Siting Review)

To appeal a siting decision of a local unit of government in accordance with Section 39.2 of the Environmental Protection Act (Act), one executed copy of this form, plus eleven (11) copies of all necessary accompanying documents (see Part B below), must be filed with the Pollution Control Board in the office of the Clerk at the above address within 35 days of the official decision of local government to grant or deny siting. The time of filing is the day (before 4:30 p.m.) the Clerk's office docketed the petition as being a complete filing or, if filing is by U.S. mail, the date a complete filing was postmarked by the U.S. Postal Service. All subsequent documents and pleadings filed in this proceeding must bear the appropriate captioning and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS

Appropriate filing and service is the responsibility of the Petitioner and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304 and 106.206.) Additionally, all attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101.Subpart B.

B. NECESSARY ENCLOSURES

- Please check that the following necessary items are included with this filing:
- \$75 filing fee
 - Eleven copies of the local siting authority's written decision or ordinance.
 - Eleven copies of the petition for review, which should contain the specifications of the grounds for appeal.

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

C. PETITIONER STATUS

The Act sets forth certain requirements for petitioners. Check which applies to you.

- Siting applicants: I, or the entity I represent, has properly applied to one or more units of local government, pursuant to Section 39.2 of the Act, for siting authority of a new pollution control facility and have been denied siting authority or have been granted siting authority with conditions that I/we protest.
- Other persons: I, or the organization I represent, was physically present at the local government siting hearing and am adversely affected by the local government's decision to approve siting.

D. APPLICANT'S WAIVER OF DECISION DEADLINE

This section should be completed only by the applicant for siting of a pollution control facility.

The applicant in the local siting decision is entitled to receive a decision from the Board on a pollution control facility review within 120 days of the date of the filing of an appropriate petition. Adherence to this deadline, however, requires the Board to proceed expeditiously. The time for discovery, case preparation and briefing, and hearings will necessarily be limited. If you anticipate that you will not be prepared for a hearing within 60 days, and/or if you foresee a more extensive commitment of time for negotiations and discussion, you may elect to waive your right to a 120-day decision period. Please check one of the following:

- Open waiver. I waive the decision deadline completely and unequivocally.
- Negotiation waiver. I waive the decision deadline until such time as I elect to reinstate the 120-day decision period by filing a notice to reinstate. (Upon proper filing of the notice, the 120-day decision deadline will be reinstated by the Board and the 120-days begins to run as of the date the notice is filed.)
- Time certain waiver. I waive the decision deadline until *(Insert Date)*_____.
- No waiver. I do not desire to waive the decision deadline at this time and, accordingly, agree to adhere to all time frames as set forth by the Board and hearing officer.

E. PETITIONER REPRESENTATIVE INFORMATION

Name of Primary Attorney, Contact Person or Petitioner Title

Name of Firm

Business Address (Street) (County)

(City) (State) (Zip Code)

() ()

Telephone Number (of contact person) Fax Number

SIGNATURE: TITLE:

BOARD PROPOSAL FOR PUBLIC COMMENT OCTOBER 3, 1996

Illustration H Petition to Contest Administrative Citation

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER, SUITE 11-500
100 WEST RANDOLPH STREET
CHICAGO, ILLINOIS 60601
(312) 814-3620**

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PETITION TO CONTEST ADMINISTRATIVE CITATION

_____)
 _____)
{insert name of governmental unit)
who has issued the citation})
 Complainant,)
)
 v.)
)
 _____)
 _____)
{insert your name})
 Respondent.)

AC _____
(Petition to Contest Administrative Citation)

To contest the issuance of an administrative citation by the Illinois Environmental Protection Agency or a county with delegated authority pursuant to Section 31.1 of the Environmental Protection Act, one executed copy of this form, plus eleven (11) copies of all necessary accompanying documents (see Part B below), must be filed with the Pollution Control Board in the office of the Clerk at the above address within 35 days of the date of receipt of the citation. The time of filing is the day (before 4:30 p.m.) the Clerk's office docketed the petition as being a complete filing or, if filing is by U.S. mail, the date a complete filing was postmarked by the U.S. Postal Service. Any subsequent documents and pleadings filed in this proceeding must bear the appropriate caption and docketing as designated by the Clerk's office in this proceeding.

A. GENERAL INSTRUCTIONS AND INFORMATION

Appropriate filing and service is the responsibility of the person or entity contesting the administrative citation and all such requirements are set forth in the Board's Procedural Rules (see 35 Ill. Adm. Code 101.302, 101.304, 108.204 and 108.206). Additionally, any attached documents and future filings must be typed in at least **12 pitch font**, must be captioned as set forth above and must be submitted on **8 1/2 x 11 inch recycled paper** as defined in 35 Ill. Adm. Code 101, Subpart B.

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B. REASONS FOR CONTESTING ADMINISTRATIVE CITATION

On *{insert date}*_____ I was served with an administrative citation by *{insert name of government entity that issued the citation}*_____. I request that the Pollution Control Board hold a hearing concerning my reason(s) for contesting the citation as checked off below. I understand that cleaning up my property AFTER the citation has been issued is NOT a defense in this proceeding and, that if I lose my appeal before the Board, I will have to pay the administrative citation penalty (\$500 per violation) PLUS the costs of hearing which may exceed the penalty. Nonetheless, I wish to contest this administrative citation for the following reasons:

- I do not own the property nor did I cause or allow the alleged violations.
- The administrative citation was not timely filed or properly served.
- The alleged violation was the result of uncontrollable circumstances (flood, tornado, . . .etc.).
- Other. (Please attach full statement of reasons, typed, on 8 1/2 x 11 inch recycled paper.)

C. REPRESENTATION INFORMATION

I recognize that the Pollution Control Board hearing will be conducted before a duly authorized hearing officer of the Board and that the hearing will comport with standards of judicial conduct typical in court. I will appear at the hearing as follows:

- Pro Se (On my own behalf, without an attorney.)
- By an attorney duly licensed to practice law in the State of Illinois (Please attach or have attorney file an appropriate notice of appearance in this matter.)

D. PETITIONER INFORMATION

Name of Petitioner

Address of Petitioner (Street)

(County)

(City)

(State)

(Zip Code)

() _____

Telephone Number (contact person)

() _____

Fax Number

Signature of Petitioner

Date

Attach additional sheets containing information on other representatives as necessary.