

ILLINOIS POLLUTION CONTROL BOARD
September 6, 2001

DEAN FOODS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 02-23
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 21, 2001, the petitioner, Dean Foods Company, timely filed a petition asking the Board to review an operating permit issued by the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(a). The Agency issued a permit with conditions regarding Dean Foods Company dairy and non-dairy processing facility located at 1126 Kilburn Avenue, Rockford, Winnebago County, Illinois. Dean Foods Company appeals on the grounds that the special conditions listed in the operating permit were unnecessary. Dean Foods Company's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

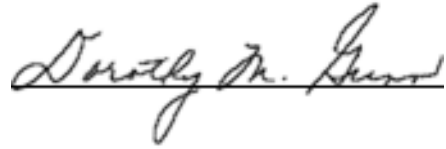
Dean Foods Company has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000)), which only Dean Foods Company may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Dean Foods Company "may deem the permit issued." 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is December 19, 2001, (the 120th day after August 21, 2001). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 6, 2001.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Dean Foods Company filed the petition. 35 Ill. Adm. Code 105.212(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension of time before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the

Board adopted the above order on September 6, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board