

ILLINOIS POLLUTION CONTROL BOARD
February 15, 1996

VILLAGE OF OSWEGO,)
)
 Petitioner,)
)
 v.) PCB 96-154
) (Variance - Public Water Supply)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a January 8, 1996 petition for variance filed by the Village of Oswego (Oswego). The petition included a waiver of hearing, with supporting affidavit. Oswego seeks a variance from 35 Ill. Adm. Code 602.105, "Standards for Issuance," and from 35 Ill. Adm. Code 602.106(b), "Restricted Status," but only to the extent those rules involve 35 Ill. Adm. Code 604.301(a), which establishes standards for combined radium-226 and radium-228. Oswego had previously been granted a variance from these requirements by Board order dated October 10, 1991; however, that variance expired on October 10, 1995.

The Board has received several letters objecting to the grant of the variance, including the following: a letter dated January 25, 1996 from Mark and Susan Hauser, as well as a letter dated January 29, 1996 from them specifically requesting a hearing; a letter dated January 26, 1996 from Elizabeth Summers; a letter dated January 26, 1996 from Bonnie A. Pinnow; a letter dated January 27, 1996 from Lawrence F. Rybicki; and a letter dated January 30, 1996 from Donna L. Scheele.

Section 104.141(a) of the Board's procedural rules provides:

Any person may file with the Clerk, within 21 days after the filing of the petition, a written objection to the grant of the variance. Such objection may or may not be accompanied by a petition to intervene in accordance with Section 103.220. A copy of such objection shall be mailed to the petitioner and the Agency by the Clerk.

(35 Ill. Adm. Code 104.141(a).)

Because an objection and request for hearing was timely filed, the Board accepts this matter 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

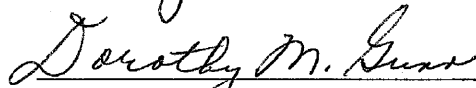
35 Ill. Adm. Code 101.105). A hearing officer shall be assigned to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board as soon as possible of the time and location of the hearing since the public notice of hearing must be published at least 21 days in advance thereof. 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 May 7, 1996; the Board meeting immediately preceding the due date is scheduled for May 2, 1996.

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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of February, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board