

ILLINOIS POLLUTION CONTROL BOARD
April 4, 2002

VILLAGE OF FINDLAY,)	
)	
Petitioner,)	
)	
v.)	PCB 02-158
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

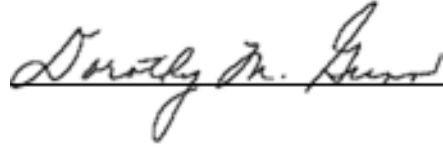
On March 22, 2002, the Village of Findlay (Findlay) timely filed a petition asking the Board to review a March 19, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(a). The Agency granted Findlay a permit regarding Findlay’s wastewater treatment facility in Findlay, Shelby County. Findlay appeals on the grounds that it cannot meet the 2.4 mg/l per month average discharge for ammonia nitrogen. Findlay’s petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

Findlay 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 Findlay may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline Findlay “shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act [415 ILCS 5/41(d) (2000)].” 415 ILCS 5/40(a)(3) (2000). However, in its petition for review, Findlay waived its right to a decision within the statutory deadline.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after Findlay 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 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, certify that the Board adopted the above order on April 4, 2002, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board