

ILLINOIS POLLUTION CONTROL BOARD
August 1, 1985

VILLAGE OF GILBERTS,)
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 Petitioner,)
)
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 v.) PCB 85-96
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 HOLIDAY PARK CORPORATION,)
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)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This petition, filed by the Village of Gilberts July 2, 1985, requests that the Board "review and rescind... [a] decision of the IEPA amending the [Water Quality Management] Plan and granting Holiday [Park Corp.] a point source discharge to Tyler Creek." (Pet. p. 8). Motions to dismiss for lack of subject matter jurisdiction were filed by Holiday on July 16, and by the Agency on July 17, 1985.

A threshold issue in this matter is whether or not the Agency has taken action to issue or deny an NPDES permit. The Agency asserts that it did not (Agency motion, p. 2). The Village's petition is unclear as to whether the Agency took any action on the draft permit which was the subject of discussion at the hearings on September 18 and October 3, 1984 (Pet. p. 5), although the Village's response indicates the Agency did (Village Response, p. 1). As none of the pleadings before the Board are verified, the Board cannot make the factual finding necessary for its rulings on the motions to dismiss. Therefore, on or before August 12, 1984, the parties are directed to make filings, supported by affidavit, correcting this deficiency. The Village should provide a copy of the NPDES permit which is the subject of its appeal, if available; if not, the Village should give the number of the permit, and the date of its issuance or denial. The Agency and Holiday should submit a copy of any issued NPDES permit or letter denying one, or a statement that no action was taken on an NPDES permit. Upon receipt of this verified information, the Board will take action upon the motions to dismiss.

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 1st day of August, 1985, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board