

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1997

FOX WATERWAY AGENCY,)	
)	
Petitioner,)	
)	
v.)	PCB 97-151
)	(Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

On March 3, 1997, Fox Waterway Agency (FWA) filed a petition for variance from several Board regulations. Specifically, FWA requests a variance from Section 304.105 as it applies to un-ionized ammonia and phosphorus, Section 304.106 as it applies to effluent turbidity, Section 304.123(b) as it applies to phosphorus, and Section 304.124(a) as it applies to TSS. (35 Ill. Adm. Code 304.105, 304.106, 304.123(b), 304.124(a) (1994).) This matter is accepted 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 (1994).) The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. 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 July 1, 1997 (120 days from March 3, 1997); the Board meeting immediately preceding the decision deadline is scheduled for June 19, 1997.

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.

Board Member K. M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board