

ILLINOIS POLLUTION CONTROL BOARD
January 8, 2004

CITY OF CHARLESTON, ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	PCB 04-111
)	(Variance - Public Water Supply)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On January 2, 2004, the City of Charleston, Illinois (City of Charleston) filed a petition for a variance for its public water supply located in Charleston, Coles County. The City of Charleston seeks relief from 35 Ill. Adm. Code 611.743(a)(1) until June 30, 2005 to comply with the regulations. *See* 415 ILCS 5/35-37 (2002); 35 Ill. Adm. Code 105.206(a).

The requested variance would follow a prior variance granted by the Board on December 6, 2001, in docket PCB 02-20. That prior variance expired on December 31, 2003. *See* 35 Ill. Adm. Code 104.210(c).

The City of Charleston has requested a hearing on its petition. The petition meets the content requirements of 35 Ill. Adm. Code 104.204 and 104.208. However, the Board did not receive the statutory filing fee from the City of Charleston until January 8, 2004. Accordingly, the Board finds that a complete and sufficient petition was not filed until January 8, 2004. The Board accepts the petition for hearing.

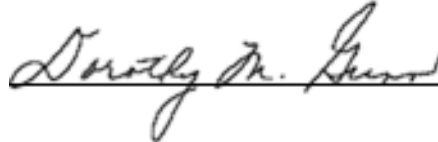
The Board directs that this matter proceed to hearing as expeditiously as practicable. The Illinois Environmental Protection Agency (Agency) must investigate the petition for variance and submit its recommendation within 45 days of the January 8, 2004 filing of the complete petition, by February 22, 2004, or at least 30 days prior to the date of hearing, whichever is earlier. *See* 35 Ill. Adm. Code 104.206 (2002). The City of Charleston will then be allowed 14 days after the date the Agency recommendation is filed to respond to the recommendation. *See* 35 Ill. Adm. Code 104.220 (2002).

The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Environmental Protection Act and the Board's procedural rules. It is the responsibility of the hearing officer to guide the parties toward prompt resolution of this matter, through whatever status calls and hearing officer orders he determines are necessary and appropriate. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/38(a) (2002)), which only the City of Charleston may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision

deadline, the City of Charleston “may deem the request granted.” 415 ILCS 5/38(a) (2002). Currently, the decision deadline is May 7, 2004 (the 120th day after January 8, 2004). *See* 35 Ill. Adm. Code 104.232. The Board meeting immediately before the decision deadline is scheduled for May 6, 2004.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 8, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board