

ILLINOIS POLLUTION CONTROL BOARD
August 5, 2004

LAKE IN THE HILLS SANITARY DISTRICT,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 05-12
)	(Permit Appeal - Water)
)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

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

On July 29, 2004, Lake in the Hills Sanitary District timely filed a petition asking the Board to review a June 24, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). The Agency granted a permit for land application of 1,000 dry tons of aerobically digested sewage sludge to agricultural land at agronomic rates, with five conditions relating to radium concentrations. The permit is for Lake in the Hills Sanitary District’s wastewater treatment facility at Lake in the Hills, McHenry County.

Lake in the Hills Sanitary District appeals on the grounds that the challenged conditions are too restrictive, well in excess of federal restrictions on radium concentrations, and will result in increased costs to residents. Lake in the Hills Sanitary District’s petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

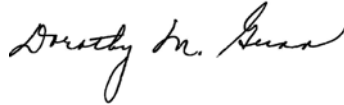
Lake in the Hills Sanitary District has the burden of proof. 415 ILCS 5/40(a)(1) (2002); *see also* 35 Ill. Adm. Code 105.112(a). Hearings “will be based exclusively on the record before the Agency at the time the permit or decision was issued.” 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2002)), which only Lake in the Hills Sanitary District may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Lake in the Hills Sanitary District “may deem the permit issued.” 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is November 26, 2004 (the 120th day after July 29, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for November 18, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 28, 2004, which is 30 days after Lake in the Hills Sanitary District 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 August 5, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board