

ILLINOIS POLLUTION CONTROL BOARD
September 2, 2004

METROPOLITAN WATER)
RECLAMATION DISTRICT OF GREATER)
CHICAGO,)
)
Petitioner,) PCB 05-31
) (Permit Appeal-NPDES)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

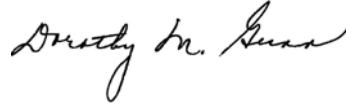
On August 18, 2004, the Metropolitan Water Reclamation District of Greater Chicago (the District) timely filed a petition asking the Board to review a July 19, 2004 determination of the Illinois Environmental Protection Agency (Agency), granting a permit with conditions to the District. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). The Agency issued the permit regarding the District's James C. Kirie Water Reclamation Plant at 701 West Oakton Street, Des Plaines, Cook County. The District appeals certain conditions of the permit on the grounds that the conditions are confusing, unnecessary, and impractical. The District's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

The 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 the District may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the District "shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act 415 ILCS 5/41(d) (2002)." 415 ILCS 5/40(a)(3) (2002). Currently, the decision deadline is December 16, 2004 (the 120th day after August 18, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 16, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by September 17, 2004, which is 30 days after the 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 September 2, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board