

ILLINOIS POLLUTION CONTROL BOARD
December 15, 2004

VILLAGE OF LAKE BARRINGTON, CUBA)
TOWNSHIP, PRAIRIE RIVERS NETWORK,)
SIERRA CLUB, BETH WENTZEL and)
CYNTHIA SKRUKRUD,)

Petitioners,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and VILLAGE OF)
WAUCONDA,)

Respondents.)

PCB 05-55
(Third-Party NPDES Permit Appeal -
Water)

SLOCUM DRAINAGE DISTRICT OF LAKE)
COUNTY, ILLINOIS,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and VILLAGE OF)
WAUCONDA,)

Respondents.)

PCB 05-58
(Third-Party NPDES Permit Appeal -
Water)

AL PHILLIPS, VERN MEYER, GAYLE)	
DEMARCO, GABRIELLE MEYER, LISA)	
O'DELL, JOAN LESLIE, MICHAEL)	
DAVEY, NANCY DOBNER, MIKE)	
POLITIO, WILLIAMS PARK)	
IMPROVEMENT ASSOCIATION, MAT)	
SCHLUETER, MYLITH PARL LOT)	
OWNERS ASSOCIATION, DONALD)	
KREBS, DON BERKSHIRE, JUDY)	
BRUMME, TWIN POND FARMS)	
HOMEOWNERS ASSOCIATION, JULIA)	
TUDOR and CHRISTINE DEVINEY,)	
)	
Petitioners,)	
)	
v.)	PCB 05-59
)	(Third-Party NPDES Permit Appeal -
ILLINOIS ENVIRONMENTAL)	Water)
PROTECTION AGENCY and VILLAGE OF)	(Consolidated)
WAUCONDA,)	
)	
Respondents.)	

HEARING OFFICER ORDER

On December 9, 2004, all parties participated in a telephonic status conference with the hearing officer. The joint motion to reschedule tentative hearing date filed December 8, 2004, by the petitioners Al Phillips *et al.*, and Slocum Lake Drainage District of Lake County, Illinois (Slocum), was addressed. Paragraph 12 of the motion was addressed first. Paragraph 12 contends that the Illinois Environmental Protection Agency (Agency) failed to file the transcript of the public hearing held on September 9, 2003. The Agency represented that it intended to file a motion for leave to amend the record *instanter* and the amended record, which will include the public hearing transcript. On December 13, 2004, the Agency filed the motion for leave and the amended record. The Agency's motion is granted and the public hearing transcript is now part of the record.

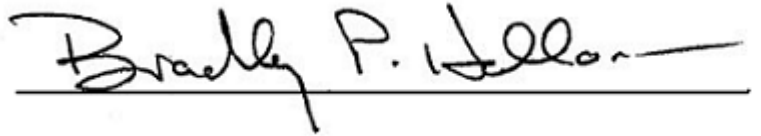
The first part of paragraph 13 was addressed next. The petitioners contend that the Agency failed to file documents detailing previous violations by the Village of Wauconda. The Agency represented that the documents are open for review at their Springfield, Illinois office. The petitioners agreed that they would review these documents in the near future at the Agency's office. The second part of paragraph 13 was addressed next. There, the petitioners contend that the Agency failed to include the complete listing of all documents withheld by the Agency. The petitioners were directed to file a motion to compel on or before December 15, 2004. The respondents were directed to file their response, if any, on or before December 22, 2004.

The parties were directed to file their respective requests to admit on or before December 22, 2004. Responses are due to be filed on or before January 7, 2005.

Rescheduling of the hearing dates was discussed next. Based upon the representation by the Village of Wauconda that it will file a waiver of the statutory decision deadline to and including April 7, 2005, it was agreed that the January 6 and 7, 2005, hearing is cancelled and a tentative hearing was rescheduled for February 10 and 11, 2005. The time and location will be noted in the notice of hearing.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on January 13, 2005, at 1:00 p.m. The telephonic status conference dial in number is 1-800-290-4477. The pass code is 614896. At the status conference, the parties must be prepared to discuss the status of the above-captioned matters and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
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Chicago, Illinois 60601
312.814.8917