

ILLINOIS POLLUTION CONTROL BOARD  
November 17, 2005

THE CITY OF SPRINGFIELD, a municipal corporation, )  
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 )  
 Petitioner, )  
 )  
 v. ) PCB 06-75  
 ) (CAAPP Permit Appeal – Air)  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 )  
 Respondent. )

ORDER OF THE BOARD (by T.E. Johnson):

On November 3, 2005, The City of Springfield, a municipal corporation (City) timely filed a petition asking the Board to review a September 29, 2005 determination of the Illinois Environmental Protection Agency (Agency) to issue a Clean Air Act Permit Program (CAAPP) permit with conditions. *See* 415 ILCS 5/40.2(a) (2004); 35 Ill. Adm. Code 105.302(e). The City is challenging numerous conditions, including conditions relating to reporting and recordkeeping, as well as the issuance and effective date of the permit, and the inadequacy of the statement of basis for the permit conditions. The City owns and operates an electric generation and transmission company commonly known as City Water, Light and Power (CWLP). The CAAPP permit application concerns the City’s Dallman and Lakeside generating stations, as well as a water purification plant, all located at 3100 Stevenson Drive, Springfield, Sangamon County and operated by CWLP.

Section 40.2(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/40.2(a) (2004)) allows several persons to appeal Agency CAAPP permit determinations: permit applicants; persons who participated in the Agency’s public comment process under Section 39.5(8) of the Act (415 ILCS 5/39.5(8) (2004)); and persons who could obtain judicial review under Section 41(a) of the Act (415 ILCS 5/41(a) (2004)). 415 ILCS 5/40.2(a) (2004); *see also* 35 Ill. Adm. Code 105.302(c). The City is the CAAPP permit applicant. The City appeals the permit on numerous grounds. The Board accepts the petition for hearing.

The City has the burden of proof. 415 ILCS 5/40.2(a) (2004); *see also* 35 Ill. Adm. Code 105.112(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.2(c) (2004)), which only the City may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, “the permit shall not be deemed issued; rather, the petitioner shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act [415 ILCS 5/41(d) (2004)].” 415 ILCS 5/40.2(c) (2004). Currently, the decision deadline is March 3, 2006 (the 120th day after the City filed its petition). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for March 2, 2006.

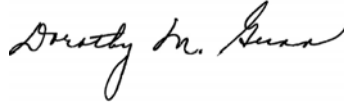
Unless the Board or the hearing officer orders otherwise, the Agency must file an answer, including the entire record of its determination within 30 days after it is served with the petition. 35 Ill. Adm. Code 105.302(f). If the Agency wishes to seek additional time to file the record, it must file a 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 105.302(f).

The City also filed three motions with the permit appeal. The first motion asks that the City be allowed to file an original and four copies instead of the nine copies required by the Board's rules. The Board grants that motion. The second motion seeks a stay of the permit and the Board will reserve ruling on that motion to allow for a response from the Agency. The third motion requests that the Board allow the City to file a petition that exceeds the 50 page limit set forth in the Board's procedural rules. The Board grants this motion and accepts the entire petition into the record.

On November 7, 2005, the City's attorney filed a letter requesting William Murray of CWLP be added to service list. The Board grants this request and adds Mr. Murray to the service list.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 17, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board