

ILLINOIS POLLUTION CONTROL BOARD  
January 15, 2009

PRAIRIE RIVERS NETWORK AND	)	
SIERRA CLUB,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 09-46
	)	(Third Party NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY and SUGAR	)	
CAMP ENERGY, L.L.C,	)	
	)	
Respondents.	)	

**HEARING OFFICER ORDER**

The parties are advised that this matter has been assigned to the hearing officer identified below. From this date forward, any pleading filed with the Clerk of the Board in this matter must also be served individually on the hearing officer.

On January 15, 2009, the petitioners and Sugar Camp Energy participated in a telephone status conference with the hearing officer. The Illinois Environmental Protection Agency is not yet represented by counsel. The Agency is reminded that the administrative record is due within 14 days of notice of the petition.

At the status conference, the parties expressed a desire to resolve this case by filing briefs without hearing. Upon review of a similar case involving the Village of New Lenox (PCB 04-88), the parties are advised that they may file motions for summary judgment before hearing. If either party prevails by summary judgment, a hearing is not needed. If the Board finds that the case cannot be resolved by summary judgment, a hearing will then be set, after which the parties may file post-hearing briefs.

The parties are directed to participate in a telephone status conference with the hearing officer at 9:00 a.m. on February 10, 2009. The status conference shall be initiated by the petitioners.

The decision deadline is currently April 16, 2009. Sugar Camp Energy agreed to file a six-month deadline waiver within the next seven days.

IT IS SO ORDERED.

Carol Webb

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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 15, 2009 to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on January 15, 2009:

John T. Therriault  
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PCB 2009-046  
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