

ILLINOIS POLLUTION CONTROL BOARD

October 1, 2015

JAMES POTTS,)	
)	
Petitioner,)	
)	
v.)	PCB 16-37
)	(PWS Operator Certification)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On July 31, 2015, James Potts (petitioner) timely filed a petition asking the Board to review a June 25, 2015 determination of the Director of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 45/12 (2014); 35 Ill. Adm. Code 105.100, 681.735. The Agency's June 25, 2015 determination revokes petitioner's Class A Water Supply Operator's Certification. On August 3, 2015, petitioner filed an amended petition. For the reasons below, the Board accepts the petition for review.

Under the Public Water Supply Operations Act (415 ILCS 45 (2014)), the Agency is responsible for issuing a "Certificate of Competency" and every community water supply must employ one operator that is certified as competent. *See* 415 ILCS 45/1 (2014) and 35 Ill. Adm. Code 681.205, 681.215. In this case, the Agency revoked petitioner's operator's certificate for the community water supply in Mt. Sterling, Adams County. Section 681.735 provides:

Within 35 days after receipt of the Director's final decision, the operator may appeal the decision to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board. 35 Ill. Adm. Code 681.735.

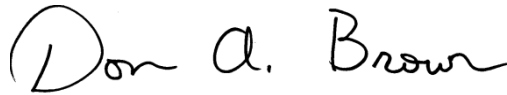
Petitioner's petition and amended petition meet the content requirements of 35 Ill. Adm. Code 105, 681.735.

The Board accepts the petition. Petitioner has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its permit decision. Accordingly, though the Board hearing affords an opportunity to challenge the Agency's reasons for revoking the certification, information developed after the Agency's decision typically is not admitted at hearing or considered by the Board. *See Alton Packaging Corp. v. PCB*, 162 Ill. App. 3d 731, 738, 516 N.E.2d 275, 280 (5th Dist. 1987); *Community Landfill Co. & City of Morris v. IEPA*, PCB 01-170 (Dec. 6, 2001), *aff'd sub nom. Community Landfill Co. & City of Morris v. PCB & IEPA*, 331 Ill. App. 3d 1056, 772 N.E.2d 231 (3rd Dist. 2002). Hearings will be scheduled and completed in a timely manner.

The Agency requested an extension of time to file the record and filed the record on September 3, 2015. The Board grants the extension.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 1, 2015, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board