

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2006

VILLAGE OF CASEYVILLE,)	
)	
Petitioner,)	
)	
v.)	PCB 06-164
)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On May 4, 2006, the Village of Caseyville timely filed a petition asking the Board to review a March 31, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.206(a). The Village of Caseyville seeks review of the Agency's denial of a construction permit for a trunk sewer installation for the Caseyville-Forest Lakes Development in St. Clair County.

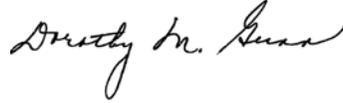
The Village of Caseyville appeals on the grounds that: (1) the denial is arbitrary and capricious; and (2) the Village of Caseyville relied to its detriment on an earlier Agency grant of a construction permit by beginning construction on the sewer. The Village of Caseyville's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

The Village of Caseyville has the burden of proof. 415 ILCS 5/40(a)(1) (2004); *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) (2004)), which only the Village of Caseyville may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the petitioner "may deem the permit issued." 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is September 1, 2006 (the 120th day after May 4, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 17, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by June 5, 2006, which is the first business day after 30 days after the Village of Caseyville 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 May 18, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board