

ILLINOIS POLLUTION CONTROL BOARD
May 21, 1998

NORTH SHORE SANITARY DISTRICT,)
)
Petitioners,)
)
v.) PCB 98-149
) (Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On March 24, 1998, the Illinois Environmental Protection Agency (Agency) issued a final decision denying North Shore Sanitary District's (petitioner) application for a permit for a sulfate assessment report. Attached to the decision was a document containing the stated reasons for the denial.

By a letter dated April 28, 1998, petitioner requested that the Agency agree to a 90-day extension of the 35-day appeal period. A copy of this letter was received by the Board on May 1, 1998. The Agency subsequently declined the request for an extension by letter dated May 5, 1998, and received by the Board on the same day. The grounds for the denial of the extension was that the request, received by the Agency on April 30, 1998, was not timely filed with the Agency. In its order of May 7, 1998, the Board accepted petitioner's letter requesting an extension of the 35-day time period as a petition for review and ordered petitioner to file an amended petition without 10 days or the action would be subject to dismissal. On May 14, 1998, the Board received petitioner's amended petition. This matter is accepted for hearing.

The hearing in this matter must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board will promptly issue appropriate directions to that assigned hearing officer.

The assigned hearing officer must inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. Within five days after the hearing, the hearing officer must submit to the Board an exhibit list, a statement regarding credibility of witnesses, and all exhibits.

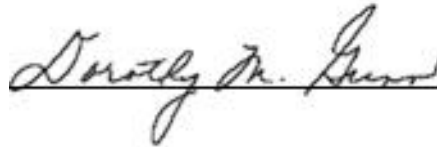
Any briefing schedule must provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days before the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is

now September 12, 1998 (120 days from May 14, 1998). The Board meeting immediately preceding the decision deadline is scheduled for September 3, 1998.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer will unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of May 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board