

ILLINOIS POLLUTION CONTROL BOARD
February 7, 2002

CITY OF QUINCY, an Illinois municipal corporation,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 02-106
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On February 1, 2002, the City of Quincy (City) timely filed a petition asking the Board to review a December 28, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(a).

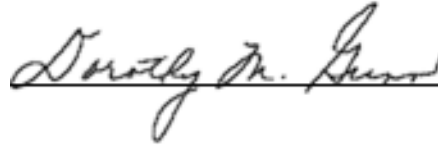
The Agency imposed a special condition on the National Pollutant Discharge Elimination System permit for the City's sewage treatment plant in Quincy, Adams County. The City appeals on the grounds, among others, that the special condition requiring first flush testing is not economically feasible or technically practicable, and is not necessary for compliance. The City's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

The City has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *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) (2000)), 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 City "shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act [(415 ILCS 5/41(d) (2000)]." 415 ILCS 5/40(a)(3) (2000). Currently, the decision deadline is June 1, 2002 (the 120th day after February 1, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 16, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after the City 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 February 7, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board