

DEC 08 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS  
Pollution Control Board

COPY

VILLAGE OF LAKE BARRINGTON, CUBA )  
TOWNSHIP, PRAIRIE RIVERS NETWORK, )  
SIERRA CLUB, BETH WENTZEL and )  
CYNTHIA SKRUKRUD, )

Petitioners )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and VILLAGE OF WAUCONDA, )

Respondents. )

PCB 05-55  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

SLOCUM LAKE DRAINAGE DISTRICT OF )  
LAKE COUNTY, ILLINOIS )

Petitioner )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY AND VILLAGE OF )  
WAUCONDA, ILLINOIS )

Respondents. )

PCB 05-58  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

AL PHILLIPS, VERN MEYER, GAYLE DEMARCO, )  
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE, )  
MICHAEL DAVEY, NANCY DOBNER, MIKE )  
POLITO, WILLIAMS PARK IMPROVEMENT )  
ASSOCIATION, MAT SCHLUETER, MYLITH PARK )  
LOT OWNERS ASSOCIATION, DONALD KREBS, )  
DON BERKSHIRE, JUDY BRUMME, TWIN POND )  
FARMS HOMEOWNERS ASSOCIATION, JULIA )  
TUDOR and CHRISTINE DEVINEY, )

Petitioners )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and VILLAGE OF WAUCONDA, )

Respondents. )

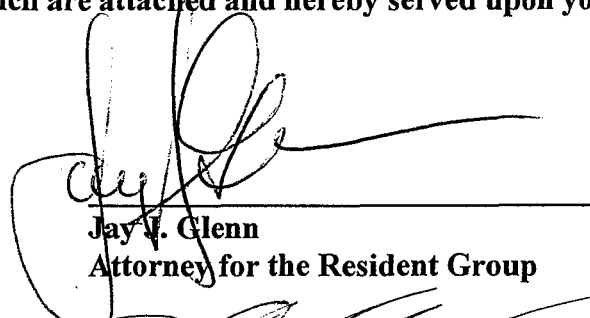
59  
PCB 05-50  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)  
(Consolidated)

**NOTICE OF MOTION**

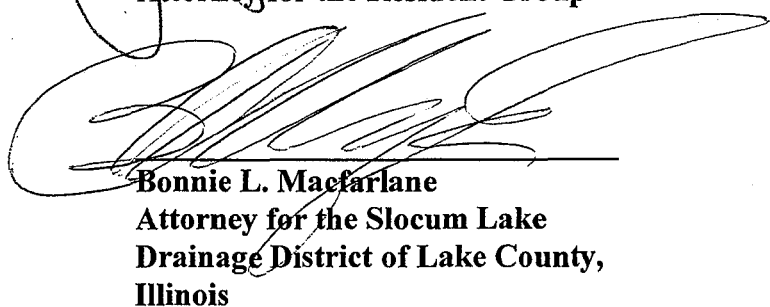
TO: See Attached Certificate of Service

Please take notice that on December 7, 2004, I filed with the Illinois Pollution Control Board an original and four (4) copies of the attached Motion to Reschedule Tentative Hearing Dates of January 6 and 7, 2005, copies of which are attached and hereby served upon you.

Dated: December 7, 2004

  
\_\_\_\_\_  
Jay V. Glenn  
Attorney for the Resident Group

Bonnie L. Macfarlane  
BONNIE MACFARLANE, P.C.  
106 W. State Road, P.O. Box 268  
Island Lake, Illinois 60042  
847-487-0700  
Attorney No. 06205127

  
\_\_\_\_\_  
Bonnie L. Macfarlane  
Attorney for the Slocum Lake  
Drainage District of Lake County,  
Illinois

STATE OF ILLINOIS     )  
  ) ss.  
COUNTY OF MCHENRY)

**CERTIFICATE OF SERVICE**

Bonnie L. Macfarlane, an attorney, hereby certifies that a copy of the foregoing Notice of Motion, Certificate of Service, and Motion to Reschedule Tentative Hearing Dates of January 6 and 7, 2005, was served on the persons listed below by first Class U.S. Mail, proper postage prepaid, on December 7, 2004.

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

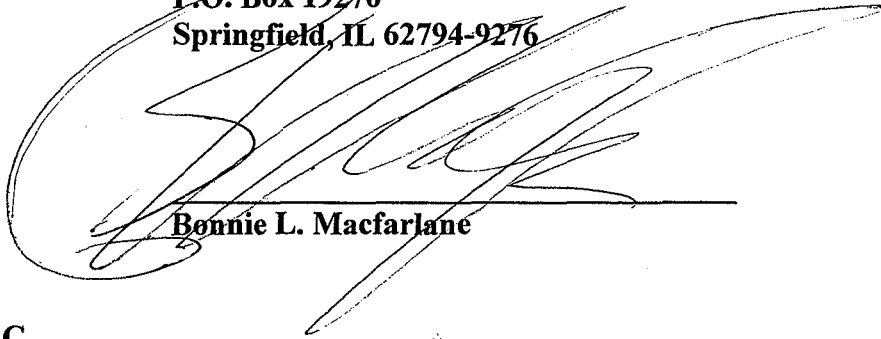
Bradley P. Halloran  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Ste. 11-500  
Chicago, Illinois 60601

Percy L. Angelo  
Russell R. Eggert  
Kevin G. Desharnais  
Mayer, Brown, Rowe & Maw, L.L.P.  
190 S. LaSalle Street  
Chicago, IL 60603

Albert Ettinger  
Environmental Law and Policy Center  
35 E. Wacker Drive, Ste. 1300  
Chicago, Illinois 60601

William D. Seith  
Total Environmental Solutions, P.C.  
631 E. Butterfield Road, Ste. 315  
Lombard, IL 60148

Sanjay K. Sofat, Asst. Counsel  
James Allen Day  
Illinois Environmental Protection Agency  
1021 North Grand Ave., East  
P.O. Box 19276  
Springfield, IL 62794-9276



Bonnie L. Macfarlane

Bonnie L. Macfarlane  
BONNIE MACFARLANE, P.C.  
106 W. State Road, P.O. Box 268  
Island Lake, IL 60042  
847-487-0700

DEC 08 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

VILLAGE OF LAKE BARRINGTON, CUBA )  
TOWNSHIP, PRAIRIE RIVERS NETWORK, )  
SIERRA CLUB, BETH WENTZEL and )  
CYNTHIA SKRUKRUD, )

Petitioners )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and VILLAGE OF WAUCONDA, )

Respondents. )

PCB 05-55  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

---

SLOCUM LAKE DRAINAGE DISTRICT OF )  
LAKE COUNTY, ILLINOIS )

Petitioner )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY AND VILLAGE OF )  
WAUCONDA, ILLINOIS )

Respondents. )

PCB 05-58  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

AL PHILLIPS, VERN MEYER, GAYLE DEMARCO, )  
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE, )  
MICHAEL DAVEY, NANCY DOBNER, MIKE )  
POLITO, WILLIAMS PARK IMPROVEMENT )  
ASSOCIATION, MAT SCHLUETER, MYLITH PARK )  
LOT OWNERS ASSOCIATION, DONALD KREBS, )  
DON BERKSHIRE, JUDY BRUMME, TWIN POND )  
FARMS HOMEOWNERS ASSOCIATION, JULIA )  
TUDOR and CHRISTINE DEVINEY, )

Petitioners )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and VILLAGE OF WAUCONDA, )

Respondents. )

59 JR  
PCB 05-50  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)  
(Consolidated)

**JOINT MOTION TO RESCHEDULE TENTATIVE HEARING  
DATES OF JANUARY 6 AND 7, 2005**

NOW COMES, Slocum Lake Drainage District of Lake County, Illinois, an agency of the State of Illinois, through their attorney, Bonnie Macfarlane, P.C., and The Resident Group, through their attorney, Jay J. Glenn, and pursuant to Title 35 of the Administrative Procedures Act, Subtitle 35, Chapter 1, Part 101(E) and (F), moves this Honorable Hearing Officer to Reschedule the Tentative Hearing Dates and in support of said motion, states as follows:

1. That on September 17, 2004, the Village of Lake Barrington, et. al. filed a PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Case No. PCB 05-55.

2. That on September 27, 2004, Slocum Lake Drainage District filed A PETITION FOR HEARING TO REVIEW THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S DECISION ON ISSUANCE OF A NPDES PERMIT TO VILLAGE OF

**WAUCONDA, Case No. PCB 05-58.**

**3. That on September 27, 2004, the Resident Group filed A THIRD PARTY PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Case No. PCB 05-59.**

**4. That pursuant to 35 Ill. Adm. Code, Section 105.116, the Illinois Environmental Protection Agency (hereinafter referred to as "IEPA") "must file with the Board the entire record of its decision within 30 days after the filing of the petition for review, unless this Part provides otherwise, or the Board or hearing officer orders a different filing date. If the State 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."**

**5. That pursuant to the above authority, the IEPA was required to file its complete record on or before October 18, 2004.**

**6. On information and belief, the IEPA failed to make its record filing by October 18, 2004.**

**7. On October 21, 2004, pursuant to a telephonic conference with all parties and the Hearing Officer, the IEPA was given until November 30, 2004, to complete its record filing.**

**8. That on December 1, 2004, your Movants received 2, 262 record documents, being exactly 35 days prior to the tentative hearing dates (holidays included).**

**9. That pursuant to 35 Ill. Adm. Code 101.618, your Movants are required to file certain pre-hearing pleadings "35 days prior to the hearing."**

**10. That the assigned Honorable Hearing Officer has tentatively scheduled the first day of hearings for January 6, 2005.**

**11. That Your Movants respectfully request that the tentative hearing dates**

(January 6 and 7, 2005) be extended to permit Movants adequate time to file requests to admit pursuant to the Illinois Pollution Control Board Rules, and a reasonable time frame to review the voluminous documents contained in the Record by the IEPA, and any other relief as deemed necessary and appropriate under the circumstances.

12. On information and belief, the submission of the Record by the IEPA is statutorily deficient in that, pursuant to 34 Ill. Adm. Code Section 105.212, the transcript of the public hearing held on September 9, 2003, was not tendered to the Board.

13. On information and belief, certain other relevant documents, including but limited to, documents detailing previous violations (non-compliance) by the Village of Wauconda with the Illinois Environmental Act, and a complete listing of all documents withheld by the IEPA has not been tendered or included with the record as filed on November 30, 2004.

Respectfully Submitted,



Bonnie L. Macfarlane



Jay J. Glenn

Dated: December 7, 2004

Bonnie L. Macfarlane  
BONNIE MACFARLANE, P.C.  
106 W. State Road, P.O. Box 268  
Island Lake, Illinois 60042  
847-487-0700