

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

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| CENTRAL ILLINOIS PUBLIC, SERVICE COMPANY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 94-54 |
| |) | (Permit Appeal) |
| ILLINOIS ENVIRONMENTAL, PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

On February 4, 1994, Central Illinois Public Service Company (CIPS) filed a petition for permit review regarding its Newton Power facility, located in Jasper County. On February 7, 1994, CIPS filed an amended petition to correct certain deficiencies in the initial filing. CIPS also requests that the Board direct the Illinois Environmental Protection Agency (Agency) to provide, prior to the hearing, all information regarding its decision. The Board directs the Agency to file its answer pursuant to 35 Ill. Adm Code 105.102(b)(5) consisting of the permit application, permit denial or issuance letter, and all correspondence concerning the application within 14 days of the notice of the amended petition. If the Agency does not provide all the information CIPS deems necessary CIPS should file another motion to the Board requesting what specific information is required. This matter is accepted for hearing.

The hearing 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 (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 105.102). The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final

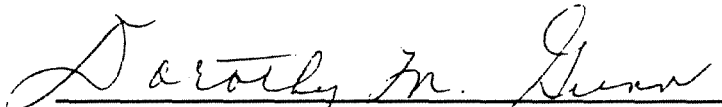
regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. In this case, the statutory decision deadline is June 7, 1994; therefore the decision due date is June 2, 1994.

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 shall 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.

This order will not appear in the Board's opinion volumes.

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 17th day of February, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board