

ILLINOIS POLLUTION CONTROL BOARD  
June 20, 1996

CITY OF DEKALB,	)	
	)	
Petitioner,	)	
	)	PCB 96-246
v.	)	(Variance - Public Water Supply)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

On June 3, 1996 the City of DeKalb (DeKalb) filed a Petition for Variance, requesting the Board to extend a prior variance granted in City of DeKalb v. IEPA (date) PCB 91-34 from the provisions of 35 Ill. Adm. Code 602.105(a) and 602.106(b), but only to the extent that those rules apply to the maximum contaminant level of combined radium in a public water supply as set forth at 35 Ill. Adm. Code 611.330(a). On June 10, 1996 an objection to DeKalb's petition for variance and a request for hearing was received from DeKalb resident Dorianne Burg. Pursuant to Section 37(a) of the Illinois Environmental Protection Act, the Board is required to hold a hearing if a timely-filed written objection to the grant of variance is received. (415 ILCS 37(a) (1994).) The objection to DeKalb's variance was timely filed; therefore, this matter is hereby 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 waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

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. Absent any waivers of the decision deadline, the statutory decision deadline is now October 1, 1996 (120 days from June 3, 1996); the Board meeting immediately preceding the decision deadline is scheduled for September 19, 1996.

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.

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 \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board