

ILLINOIS POLLUTION CONTROL BOARD  
April 13, 1995

THE JOINT PETITION OF )  
THE ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY AND THE ) AS 95-3  
CITY OF METROPOLIS FOR AN ) (Adjusted Standard-Water)  
ADJUSTED STANDARD FROM 35 )  
ILL. ADM. CODE PART 304 FOR )  
SUSPENDED SOLIDS, 5-DAY )  
BIOLOGICAL OXYGEN DEMAND )  
(BOD<sub>5</sub>) AND AMMONIA NITROGEN )

ORDER OF THE BOARD (by J. Yi):

On March 23, 1995, the Illinois Environmental Protection Agency and City of Metropolis filed a joint petition for adjusted standard accompanied by a motion to incorporate and a motion for waiver of the filing requirements. The petitioners are requesting that pursuant to 5 Ill. Adm. Code 101.106 the Board incorporate into the present proceeding Exhibits A through V filed in AS 94-17.<sup>1</sup> The petitioners are also requesting that the Board waive the filing requirement of 35 Ill. Adm. Code 101.106 which requires that four copies of the material to be incorporated be filed with the motion to incorporate.

The Board grants the motion to incorporate and waiver of the filing requirement. The Exhibits A through V to the petition from AS 94-17 shall be incorporated into AS 95-3.

Pursuant to 35 Ill. Adm. Code 106.711, petitioner is required to publish notice of the filing of the petition in a newspaper of general circulation in the area likely to be affected. A certificate of publication shall be filed with the Board within 30 days of the filing of the petition. (35 Ill. Adm. Code 106.712.) Petitioners filed a certificate of notice with the Board on April 10, 1995, demonstrating that the publication took place on March 29, 1995.

Petitioner has requested a hearing in this matter. (Pet. at 18.) The Board accepts the petition for hearing. This is a type

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<sup>1</sup>There were two prior proceedings before the Board concerning this matter. The first, AS 94-17, was dismissed on January 11, 1995 as petitioners' notice had not been published pursuant to Section 28.1 of the Act. The second, AS 95-2, was dismissed on March 16, 1995 as petitioners' notice was published late pursuant to Section 28.1 of the Act. Petitioners motion to incorporate is requesting the Board to incorporate the filings of AS 94-17 the original filing in this matter.

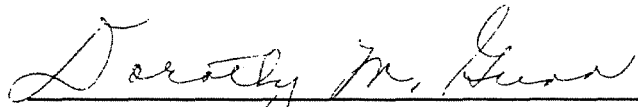
of case for which the Act prescribes no deadline for decision, although as noted the Act requires the petitioner to timely pursue disposition of the petition. Therefore, hearing must be scheduled and completed in a timely manner, consistent with Board practices and 35 Ill. Adm. Code Part 101 and Part 106, subpart G. 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 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.

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 13<sup>th</sup> day of April, 1995, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board