

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

METROPOLITAN WATER)	
RECLAMATION DISTRICT OF GREATER)	
CHICAGO (Lemont Plant),)	
)	
Petitioner,)	
)	
v.)	PCB 02-214
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 31, 2002, the Metropolitan Water Reclamation District of Greater Chicago (District) timely filed a petition asking the Board to review a May 17, 2002 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 additional conditions on the National Pollutant Discharge Elimination System permit it used for the District's wastewater treatment facility located at 13 Stephen Street, Lemont, Cook County. The District appeals on the grounds, among others, that the Agency reclassified a certain discharge as a combined sewer overflow rather than an emergency high level overflow. The District's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

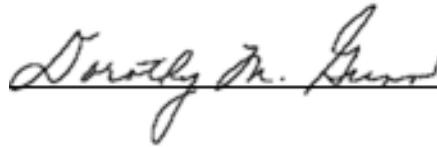
The District has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000)), which only the District may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the District "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 September 28, 2002 (the 120th day after May 31, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for September 19, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by June 30, 2002 which is 30 days after the District 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 June 6, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board