

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1985

ILLINOIS POWER COMPANY )  
(Wood River Power Plant), )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY )  
 )  
Respondent. )

PCB 85-84

ORDER OF THE BOARD (J.D. Dumelle):

This matter comes before the Board upon the September 6, 1985 motion for Summary Judgment filed on behalf of Illinois Power Company.

Section 40a(1) of the Environmental Protection Act states:

- a. 1. If the Agency refuses to grant or grants with conditions a permit under Section 39 of this Act, the applicant may, within 35 days, petition for a hearing before the Board to contest the decision of the Agency. The Board shall give 21 day notice to any person in the county where is located the facility in issue who has requested notice of enforcement proceedings and to each member of the General Assembly in whose legislative district that installation or property is located; and shall publish that 21 day notice in a newspaper of general circulation in that county. The Agency shall appear as respondent in such hearing. At such hearing the rules prescribed in Sections 32 and 33(a) of this act shall apply, and the burden of proof shall be on the petitioner.

The clear import of this Section is that a hearing shall be held for all permit appeals. Therefore, the motion is hereby denied.

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 20th day of September, 1985 by vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board