

ILLINOIS POLLUTION CONTROL BOARD

February 1, 1996

THF BELLEVILLE DEVELOPMENT L.P.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 96-99
	)	(Permit Appeal-Water)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Yi):

On November 3, 1995, THF Belleville Development, L.P., Inc. (THF Development) filed a petition for review of a permit regarding its facility, located in Belleville, St. Clair County, Illinois. THF Development is appealing a condition of its permit which would require carbon treatment of the discharge from its "SVE system", which it operates pursuant to the Illinois Pre Notice Site Cleanup Program, to the city sewer. (Petition at 1.) On November 7, 1995, THF Development filed an amended petition which included two attachments. THF Development stated that it filed the amended petition because it failed to include two attachments with its November 3, 1995 National Pollution Discharge Elimination System (NPDES) permit appeal. (Amend. Pet. at 1.) The Agency on November 13, 1995 filed a motion to dismiss the permit appeal for failing to provide the necessary information in its petition pursuant to the Board's procedural rule at 35 Ill. Adm. Code 105.102(a)(2).

In our order dated November 16, 1995 we denied the Agency's motion and directed THF Development to file another amended petition on or before January 19, 1996. Such amended petition was to address certain informational requirements as stated in that order. We also stated that failure to file an amended petition, or any other appropriate motion, will cause this matter to be dismissed. On January 19, 1996, THF Development filed an amended petition addressing the informational deficiencies discussed in the previous order in this matter. Therefore this matter is accepted and is set 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 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 future waivers of the decision deadline, the statutory decision deadline is now May 18, 1996 (120 days from January 19, 1996); the Board meeting immediately preceding the decision deadline is scheduled for May 16, 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. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

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 1st day of February, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board