

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1994

GLENBARD WASTEWATER AUTHORITY,)
)
Petitioner,)
)
v.) PCB 93-260
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by E. Dunham):

On December 22, 1993, Glenbard Wastewater Authority (Glenbard) filed a petition for variance regarding its facility in Glen Ellyn, Illinois. In an order dated January 6, 1994, the Board noted several deficiencies in the petition as filed and directed Glenbard to file an amended petition to correct the deficiencies.

On January 28, 1994, Glenbard filed the additional information as requested by the Board's order. Glenbard also filed a waiver of the hearing requirement. However, Glenbard did not include a proof of service with the filing to show that the amended petition was served on the Environmental Protection Agency. The Board reminds Glenbard that a proof of service should be included in all filings. (See 35 Ill. Adm. Code 101.143 and Appendix E of part 101.)

On January 31, 1994, the Board received an objection to the petition for variance. Therefore, a hearing must be held on the petition. The Board accepts this matter 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 Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

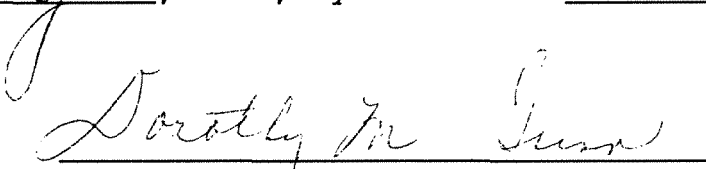
The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses 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. In this case, the statutory decision deadline is May 28, 1994; therefore the decision due date is May 19, 1994.

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 104.180) require the Agency to file its recommendation for disposition of the petition within 30 days of filing 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 3rd day of February, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board