

ILLINOIS POLLUTION CONTROL BOARD

May 4, 2006

W.R. MEADOWS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-140
	)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On March 2, 2006, at the parties' request, the Board extended until April 29, 2006, the time period for W.R. Meadows, Inc. (W.R. Meadows) to appeal a January 30, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.208(a). On May 3, 2006, W.R. Meadows filed a petition asking the Board to review the Agency's determination. Because the postmark date of the petition is within the extended time for filing, the petition was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. The Agency denied renewal of the operating permit for certain existing equipment and processes at W.R. Meadows' facility at Hampshire, Kan County.

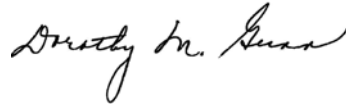
W.R. Meadows appeals on the grounds that the Agency assumption that the facility emits more than 100 tons of volatile organic material per year, making it subject to major source requirements, is incorrect. W.R. Meadows' petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

W.R. Meadows has the burden of proof. 415 ILCS 5/40(a)(1) (2004); *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) (2004)), which only W.R. Meadows may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, W.R. Meadows "may deem the permit issued." 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is August 31, 2006 (the 120th day after May 3, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for August 17, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by June 2, 2006, which is 30 days after W.R. Meadows 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 May 4, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board