

ILLINOIS POLLUTION CONTROL BOARD
October 23, 1986

BRAVO-ERNST DEVELOPERS,)
)
 Petitioner,)
)
 v.) PCB 86-10
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY and COUNTY)
 OF DUPAGE,)
 Respondents.)

ORDER OF THE BOARD (by B. Forcade):

On September 18, 1986, Bravo-Ernst Developers ("Bravo-Ernst") filed a Motion for Reconsideration of the Board's August 14, 1986, Denial of Variance. On October 9, 1986, the Board ordered filing of additional comments by the parties not later than 5:00 p.m., October 22, 1986. On October 16, 1986, DuPage Utility Company filed its response. On October 21, 1986, Bravo-Ernst filed comments. On October 22, 1986, the County of DuPage filed comments in opposition to grant of variance.

This matter will be set for hearing. Hearing must be scheduled within 14 days of the date of this Order and completed within 60 days of the date of this Order. The 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 and all actual exhibits to the Board within 5 days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and in no event later than 70 days from the date of this Order.

At hearing, the participants must, at a minimum, address:

- (1) Whether Bravo-Ernst could construct an automated surge tank to meet the concerns expressed by the Agency and DuPage Utility Company and the terms of any transfer agreements; and
- (2) What additional wet weather flows, if any, would be added to the sewer system tributary to Meadows Subdivision, if the surge tank was constructed.

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.

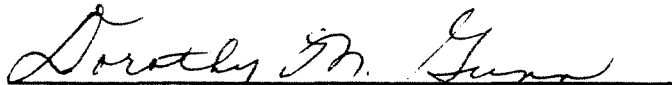
Within 10 days of accepting this case, the Hearing Officer shall enter a Hearing Officer Scheduling Order governing completion of the record. That Order shall set a date certain for each aspect of the case including: briefing schedule, hearing date(s), completion of discovery (if necessary) and pre-hearing conference (if necessary). The Hearing Officer Scheduling Order may be modified by entry of a complete new scheduling order conforming with the time requirements below.

Any order by the hearing officer granting cancellation of hearing shall include a complete new scheduling order with a new hearing date at least 40 days in the future and the Clerk of the Board shall be promptly informed of the new schedule.

IT IS SO ORDERED

Chairman J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23rd day of October, 1986, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board