

ILLINOIS POLLUTION CONTROL BOARD

January 8, 2004

VILLAGE OF ROBBINS and ALLIED	)	
WASTE TRANSPORTATION, INC.,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 04-48
	)	(Permit Appeal - Land)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.P. Novak):

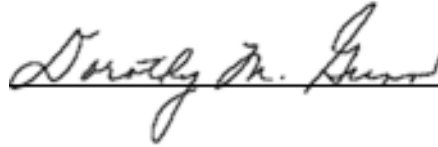
On October 16, 2003, the Board, at the parties' request, extended until December 31, 2003 the time period within which Village of Robbins and Allied Waste Transportation, Inc. (the petitioners) may appeal a August 29, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.208(a). On December 23, 2003, the petitioners filed a petition asking the Board to review the Agency's determination. The Agency denied modification of a solid waste management facility permit to allow the petitioners' to develop and operate a recycling and waste transfer facility at 3327 West 137th Street, Robbins, Cook County, on a portion of the former Robbins Resource Recovery facility site. The petitioners appeal on the grounds that the denial was improper and contrary to applicable regulations. The petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

The petitioners have the burden of proof. 415 ILCS 5/40(a)(1) (2002); *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) (2002)), which only the petitioners may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the petitioners "may deem the permit issued." 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is April 21, 2004 (the 120th day after December 23, 2003). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 15, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by January 22, 2004, which is 30 days after the petitioners 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 January 8, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board