ILLINOIS POLLUTION CONTROL BOARD January 22, 2004

SALINE COUNTY LANDFILL, INC.,)	
Petitioner,)	
v.)	PCB 04-117 (Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	(Ferniit Appear - Land)
PROTECTION AGENCY,)	
Dagmandant)	
Respondent.)	

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

On January 8, 2004, Saline County Landfill, Inc. (Saline County Landfill) timely filed a petition asking the Board to review a December 5, 2003, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). The Agency denied Saline County Landfill's request for a permit modification because Saline County Landfill failed to provide proof of local siting approval for the facility in Saline County. Saline County Landfill appeals on the grounds that the application proved that the landfill expansion did not violate the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2002)) and Board regulations. Saline County Landfill's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

Saline County Landfill has 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 Saline County Landfill may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Saline County Landfill "may deem the permit issued." 415 ILCS 5/40(a)(2) (2002). Currently, the decision deadline is May 7, 2004, (the 120th day after January 8, 2004). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 6, 2004.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by February 9, 2004, which is 30 days after Saline County Landfill 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 22, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board