



170 (Dec. 6, 2001), *aff'd sub nom. Community Landfill Co. & City of Morris v. PCB & IEPA*, 331 Ill. App. 3d 1056, 772 N.E.2d 231 (3rd Dist. 2002).

Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.2(c) (2006)), which only Pilkington may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, “the permit shall not be deemed issued; rather, the petitioner shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act [415 ILCS 5/41(d) (2006)].” 415 ILCS 5/40.2(c) (2006). Currently, the decision deadline is September 16, 2008, which is the 120th day after the Board received the petition. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for September 4, 2008.

Unless the Board or the hearing officer orders otherwise, the Agency must file an answer, including the entire record of its determination, within 30 days after it is served with the petition. *See* 35 Ill. Adm. Code 105.302(f). 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. *See* 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.302(f).

Finally, Kissling, counsel for Pilkington, filed a motion to appear *pro hac vice* on behalf of Pilkington. Under the Board’s procedural rules, attorneys who are licensed to practice in a state other than Illinois and who are not licensed and registered to practice in Illinois “may request to appear *pro hac vice* on a particular matter by a motion filed with the Board.” 35 Ill. Adm. Code 101.400(a)(3). Kissling states that he is a licensed attorney in the State of Michigan. He further represents that he is in good standing, has never been the subject of disciplinary or disbarment proceedings, and is familiar with the Board’s procedural rules. The Board grants Kissling’s motion to appear on behalf of Pilkington in this appeal.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2008, by a vote of 4-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board