

ILLINOIS POLLUTION CONTROL BOARD  
August 9, 2012

ATKINSON LANDFILL COMPANY,            )  
  )  
    Petitioner,                                )  
  )  
    v.    )     PCB 13-8  
  )     (Permit Appeal – Land)  
ILLINOIS ENVIRONMENTAL                )  
PROTECTION AGENCY,                    )  
  )  
    Respondent.                             )

ORDER OF THE BOARD (by T.A. Holbrook):

On August 2, 2012, Atkinson Landfill Company (Atkinson) timely filed a petition asking the Board to review a July 6, 2012 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2010); 35 Ill. Adm. Code 101.300(b), 105.206. The determination concerns Atkinson’s landfill, which is known as the Henry County Landfill #2. For the reasons below, the Board accepts the petition for review as timely filed, but directs petitioner to file an amended petition by September 10, 2012.

Under the Environmental Protection Act (415 ILCS 5 (2010)), the Agency is the permitting authority, responsible for administering Illinois’ regulatory programs to protect the environment. If the Agency denies a permit or grants one with conditions, the permit applicant may appeal the Agency’s decision to the Board. *See* 415 ILCS 5/4, 5, 40(a)(1) (2010); 35 Ill. Adm. Code 105.Subpart D. In this case, the Agency denied Atkinson’s permit request, finding the permit was incomplete because Atkinson’s local siting approval had expired. Atkinson appeals on the grounds that the previous local siting approval decision was still valid, challenging the Agency determination that the permit application was incomplete because of a lack of local siting approval.

The petition requirements of Section 105.210 require petitioner to include the Agency’s denial letter. 35 Ill. Adm. Code 105.210(a). The petition for appeal did not include the Agency’s denial letter. Therefore, the Board directs the petitioner to file an amended petition including this letter by September 10, 2012, or this appeal may be dismissed.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 9, 2012 by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board