

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

IN THE MATTER OF:)
)
 PETITION OF WESTERN LION)
 LIMITED FOR AN ADJUSTED)
 STANDARD FROM 35 ILL. ADM.) AS 96-2
 CODE 814, SUBPART C) (Adjusted Standard - Air)

ORDER OF THE BOARD (by R.C. Flemal):

On July 31, 1995, Western Lion Limited filed a petition for adjusted standard from 35 Ill. Adm Code 814, Subpart C. Pursuant to the Illinois Environmental Protection Act, Section 28.1(d)(1), and the Board's procedural rules at 35 Ill. Adm. Code 106.711, petitioner was required to publish notice within 14 days after the filing of the petition, in a newspaper of general circulation in the area likely to be affected. Such notice included the nature of the relief sought and advisement that any person has the right to request a hearing within 21 days of the publication of the notice. (415 ILCS 5/28.1(d)(1) (1994).)

Petitioner published notice in the Mattoon Journal Gazette and Charleston Times-Courier, two newspapers in the County where petitioner is located. The notices were published on August 14th and August 21st respectively.

On September 5, 1995 the Board received an objection to the grant of the adjusted standard from Louis M. Christen, Chairman, Coles County Responsible Land Use Now. On September 11, 1995 Carl and Edna Ball, adjacent property owners to Western Lion Limited, filed an objection to the grant of the requested adjusted standard. Also on September 11, 1995 Louis M. Christen filed another objection with the Board, at which time he requested a public hearing. (See 415 ILCS 5/28.1(d)(2) (1994) and 35 Ill. Adm. Code 106.713.) This request for hearing was received 21 days after the August 21st filing in the Charleston Times-Courier.

Based on these facts, the Board determines that a public hearing is appropriate. Pursuant to Section 28.1(d)(2) of the Act, the Board has the authority to call a public hearing whenever in its discretion it determines that a hearing would be advisable. The Board finds that a public hearing in this matter is advisable and accordingly sets this matter for public hearing.

Interested persons are advised that this public hearing is for the sole and narrow purpose of obtaining testimony on the merits of Western Lion Limited's request for an adjusted standard from the Board's closure standards for existing

landfills accepting chemical or putrescible waste initiating closure subsequent to September 18, 1997. The hearing officer is instructed to bar testimony on any issues not relevant to this adjusted standard request. (See 35 Ill. Adm. Code 103.203.)

The hearing must be scheduled and completed in a timely manner, and will be conducted in accordance with the Board procedural rules at Section 106.801. (35 Ill. Adm. Code 106.801.) The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that hearing officer.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above order was adopted on the _____ day of _____, 1995, by a vote of _____

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board