

ILLINOIS POLLUTION CONTROL BOARD
June 29, 1995

ILLINOIS LANDFILL, INC.,)
)
 Petitioner,)
)
 v.) PCB 95-162
) (Variance-Land)
)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

On June 5, 1995, Illinois Landfill, Inc. filed a petition for variance from 35 Ill. Adm. Code 814.104(c) and waiver for right to a public hearing regarding its facility located in Hoopeston, Vermilion County, Illinois. On June 23, 1995, Richard J. Doyle on behalf of C.A.R.E. and the Hoopeston Community Hospital filed a objection to the wavier of hearing. This matter is accepted for hearing.

The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). 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 assigned hearing officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now October 3, 1995 (120 days from June 5, 1995); the Board meeting immediately preceding the due date is scheduled for September 21, 1995.

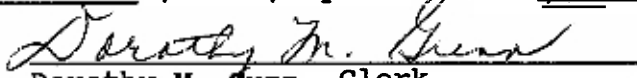
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If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

This order will not appear in the Board's opinion volumes.

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 29th day of June, 1995, by a vote of 4-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board