

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1993

MUNICIPAL SOLID WASTE )  
LANDFILLS, )  
(Village of Winnetka )  
Randolph County Landfill )  
Lawrence County Disposal Centre )  
City of Peru )  
Landfill 33, Ltd. - Effingham )  
City of Salem )  
Saline County Landfill )  
Jennings Brothers Landfill )  
Henry County Landfill )  
Pekin Metro Landfill )  
Ochs #1 and Ochs #2 Landfills )  
Carlinville Landfill )  
City of Kewanee )  
Rochelle Municipal #2 )  
Viola Landfill )  
Washington Landfill )  
Pike County Landfill )  
Berger Landfill )  
D & L Landfill )  
Oglesby Municipal Landfill )  
Winnebago Reclamation Service )  
Galva Municipal Landfill )  
Upper Rock Island Landfill )  
Dixon/Grop Landfill )  
Berger Landfill )  
Streator Area Landfill )  
Macon County Landfill )  
Knox County Landfill )  
Envirite/Livingston Landfill )  
Herrin Municipal Landfill )  
Land and Lake #3 )  
Land and Lake/Dolton )  
Land and Lake #5 Wheeling )  
American Grading Co. )  
CDT Landfill Corp. )  
Mallard Lake Landfill), )  
  
Petitioners, )  
  
v. )  
  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

PCB 93-190  
(Variance)

Respondent.

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

This matter comes before the Board on the October 7, 1993 petition for variance filed by the IEPA (Agency) on behalf of all municipal solid waste landfills (MSWLF) that qualify for the federal extensions set forth in 40 CFR 258.1(e)(1), and existing MSWLF units or lateral expansions thereof receiving flood-related waste from federally designated disaster areas that are certified by the State as necessary for the flood-related clean-up of household waste pursuant to 40 CFR 258.1(e)(3). The petition seeks relief from the requirements of P.A. 88-496, Sections 21(d)(1), 22.17(a)(5), (10), and 22.17(b) from October 8, 1993 until April 9, 1994.

The amended petition filed October 20 identified 43 landfills which might be eligible for relief.<sup>1</sup> Pursuant to the Board's order of October 21, 1993, the 37 landfills named above affirmatively "opted in" as members of the petitioner class.

Currently pending before the Board are two Agency motions. The first is the November 12, 1993 motion to stay Board consideration of this petition pending gubernatorial action on Senate Bill 299. This motion is denied as moot, for reasons expressed below.

The second pending motion, filed November 29, 1993, is the Agency's motion to dismiss this entire matter as moot. No response has been filed to this motion, which does indicate that each of the 37 landfills party to this action was properly served.

The Agency's motions recites that:

During the recent legislative session the Legislature passed House Bill 299 which amended P.A. 88-496 to make the compliance deadline consistent with those contained in 40 C.F.R. 258. On November 16, 1993 Governor Edgar signed House Bill 299 enacting it into

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<sup>1</sup> As identified by the Agency, these are Western Lion Ltd., Kewanee Municipal, Winnetka Municipal, Carlinville Landfill, D&B Landfill, Viola Landfill, W.W. Sanitation, Illinois Landfill, Salem Municipal #2, Land & Lakes/Dolton, Jennings Brothers Landfill, Laidlaw-Belleville, Pekin Metro Landfill, K&H Landfill, Paxton Municipal, Berger Landfill, Pike County Landfill, Marissa Municipal, Glesby Municipal, Henry County Landfill, D&L Landfill, Streator Area Landfill, States Land Improvement, Dixon Municipal Group #2, LeRoy Brown & Sons, Grimm, Herrin Municipal Landfill, Woodford-Marshall Landfill, Whiteside County, Peoria Disposal Co., Peru Municipal #2, Randolph County, Fulton County, Alton Municipal, Dowty, Landfill 33 Ltd., Lake County Grading, Saline County, Laidlaw Waste Systems, and Rochelle Municipal #2.

law as Public Act 88-0512. The compliance deadlines contained in P.A. 88-0512 are consistent with those contained in 40 C.F.R. 258. The above-captioned matter would provide no ... additional relief to those landfills which have petitioned to gain entry into the class and all issues raised by the above-captioned matter have been made moot by the enactment of P.A. 88-0512.

Since no response to the Agency's motion has been received, pursuant to 35 Ill. Adm. Code 101.241(b) the Board deems all petitioner landfills to have waived objection to the granting of the Agency's motion. The motion to dismiss this motion as moot is hereby granted and the docket is closed.

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 16<sup>th</sup> day of December, 1993, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board