



whether a sanitary landfill should be permitted to operate at a specified location. The denial letter, dated October 29, 1975, denied the application pending receipt of information concerning land use and location which was not previously required by the Agency. On November 12, 1975, Landfill, denying that the Agency had authority to request such information under the existing Regulations, filed the instant Permit Appeal.

The sole question before the Board at this time is whether the Agency had the authority to determine that certain information on land use and location was necessary in order for Landfill's permit application to be considered complete. At issue is the Agency's authority to request information.

We hold that the Agency does have authority to require Landfill to submit the requested information concerning land use and location. Rule 205(6) of the Regulations, Applications for Permits, provides:

The Agency may adopt procedures requiring such additional information as is reasonably necessary to determine whether the solid waste management site will meet the requirements of the Act and Regulations.

Land use and location are necessary factors to consider in granting a permit for a solid waste management site. Section 27 of the Act provides that the Board in promulgating Regulations shall take into account "...the character of the area involved, including the character of surrounding land uses, zoning..." Prior to Carlson the Agency was delegating the question of land use and location to local units of government. Carlson held, however, that:

"...The Environmental Protection Agency has not been authorized to delegate the responsibility placed upon it by the General Assembly to decide whether or not a sanitary landfill should be permitted to operate at a specified location."

Rule 316(a)(4) of the Solid Waste Regulations concerning the information to be included in an application for a Development Permit states:

Land use and population density of the proposed sanitary landfill site and of the area surrounding the site within one mile of the site boundaries.

Clearly, information on land use and location is reasonably necessary

to determine whether the landfill in question will meet the requirements of the Act and Regulations. Therefore, the Agency, pursuant to rule 205(6), had the authority to require Landfill to submit such information.


The Agency's denial of Landfill's application for a permit to develop and operate a solid waste management site is affirmed. Landfill's Petition for Permit Appeal is dismissed.

ORDER

It is the Order of the Pollution Control Board that Petitioner's appeal from denial of its permit is dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11<sup>th</sup> day of February, 1976 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board