

ILLINOIS POLLUTION CONTROL BOARD

April 17, 1997

IN THE MATTER OF:)	
)	
PETITION OF SOUTHERN ILLINOIS)	AS 97-7
REGIONAL LANDFILL, INC. (SIRL) FOR)	(Adjusted Standard - Land)
AN ADJUSTED STANDARD FROM 35)	
ILL. ADM CODE 811.309)	

ORDER OF THE BOARD (by M. McFawn):

On February 11, 1997, Southern Illinois Regional Landfill, Inc. (SIRL) filed a petition for an adjusted standard from 35 Ill. Adm. Code 811.309. SIRL filed an amended petition on March 31, 1997 providing additional information as requested by the Board. Pursuant to Section 28(d)(1) of the Environmental Protection Act and 35 Ill. Adm. Code 106.711 of the Board's procedural rules, petitioner is required to publish notice of the filing of the petition within 14 days after the filing in a newspaper of general circulation in the area likely to be affected. Such notice must include 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).)

A certificate of publication must be filed with the Board within 30 days after the filing of the petition. (35 Ill. Adm. Code 106.712.) Accordingly, SIRL was to file with the Board such certification of publication on or before March 13, 1997. SIRL has not timely filed its certificate of publication. SIRL has informed the Board that SIRL did not publish the required notice of the filing of the petition or the amended petition. Because the time to publish the required notice has lapsed, the Board lacks jurisdiction and must dismiss this matter.

This matter is dismissed and the docket is closed. SIRL may refile its petition, publish notice of the new petition within 14 days of that filing and submit a certificate of publication with the Board in order to correct the defective notice.¹

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 _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ On April 15, 1997, SIRL refiled its petition with the Board. The refiled petition has been docketed as AS 97-8. The Board will wait for the filing of the certificate of publication before taking further action on the refiled petition.