

ILLINOIS POLLUTION CONTROL BOARD

January 8, 1998

IN THE MATTER OF:)
)
PETITION OF WASTE PROFESSIONALS,) AS 97-10
INC., d/b/a PEKIN LANDFILL, for an) (Adjusted Standard - Water)
ADJUSTED STANDARD FROM 35 Ill.)
Adm. Code Part 814, Subpart D.)
)

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

This matter comes before the Board upon the January 2, 1998, filing by the Illinois Environmental Protection Agency (Agency) of a motion for additional time to respond to Waste Professionals, Inc.'s amended adjusted standard petition. The Agency requests that it be allowed until February 6, 1998, to file the response at issue. For the reasons noted below, the Board grants the Agency's motion, but only until January 20, 1998.

In a separate Board docket, PCB 97-228,¹ the Board granted Waste Professionals a short-term variance that allowed Waste Professionals to continue to dispose waste in a portion of the landfill known as Pekin Landfill. The instant adjusted standard is intended to assess whether the short-term relief granted in the variance should be allowed to continue for some longer term.

The variance, which was granted in conformity with the Agency's recommendation, contains two conditions pertinent to the instant matter. The first condition is that Waste Professionals was required to file with the Agency by September 30, 1997, results of groundwater contaminant transport (GCT) modeling. The modeling was intended to be used, in pertinent part, by the Agency as the basis for its recommendation in the instant adjusted standard proceeding. Waste Professionals timely filed the GCT results with the Agency.

The second condition is that the variance is scheduled to terminate on February 20, 1998. This condition was premised on the Agency completing its review of the GCT results and filing its adjusted standard recommendation no later than January 1, 1998. The January 1, 1998, date was committed to by the Agency in its recommendation in the variance proceeding. The February 20, 1998, termination date of the variance was in turn based upon providing the Board sufficient time for deliberation upon the complete record of the adjusted standard request, including the Agency's recommendation. Waste Professionals, Inc., d/b/a Pekin Landfill v. Illinois Environmental Protection Agency (September 18, 1997), PCB 97-228, Slip op. at 6. The Agency has not met the January 1, 1998, filing commitment.

¹ See Waste Professionals, Inc., d/b/a Pekin Landfill v. Illinois Environmental Protection Agency (September 18, 1997), PCB 97-228.

The Agency now asks that the January 1, 1998, date for filing its recommendation be extended to allow it until February 6, 1998, to file the recommendation. The Agency observes that it is short of personnel in the technical unit responsible for GCT reviews, and for this reason has not been able to meet the January 1, 1998 deadline.

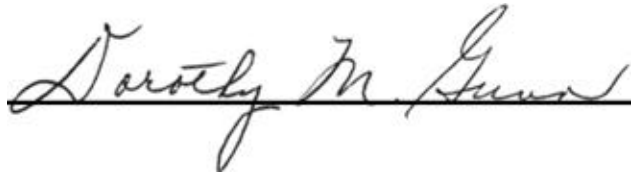
While the Board is sympathetic with the workload faced by the Agency, it can not grant the time extension as requested. Substantial prejudice is faced by both the Board and Waste Professionals in any delay in receipt of the Agency's recommendation. The two weeks that the Agency contends is sufficient time for the Board to deliberate upon and decide the merits of the adjusted standard petition (see motion at paragraph 10) is woefully inadequate. Moreover, Waste Professionals is subject to prejudice should decision on the adjusted standard be delayed beyond the expiration date of the variance.

The Board accordingly hereby orders that the Agency file the recommendation at issue no later than January 20, 1998.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of January 1998, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board