

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2006

JOYCE FARMS RECYCLING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 07-15
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

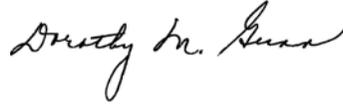
On September 1, 2006, Joyce Farms Recycling, Inc. timely filed a petition asking the Board to review a July 27, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.206(a). The Agency issued a permit with conditions regarding Joyce Farms Recycling, Inc.’s composting facility at 3000 N. Road, Essex. Joyce Farms Recycling, Inc. appeals on the grounds that certain conditions are not required by the Act or the Board’s regulations. Joyce Farms Recycling, Inc.’s petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

Joyce Farms Recycling, Inc. has the burden of proof. 415 ILCS 5/40(a)(1) (2004); *see also* 35 Ill. Adm. Code 105.112(a). Hearings “will be based exclusively on the record before the Agency at the time the permit or decision was issued.” 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2004)), which only Joyce Farms Recycling, Inc. may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Joyce Farms Recycling, Inc. “may deem the permit issued.” 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is December 30, 2006 (the 120th day after September 1, 2006). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 21, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by October 2, 2006, which is 30 days after Joyce Farms Recycling, Inc. filed the petition. 35 Ill. Adm. Code 105.212(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 7, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board