

ILLINOIS POLLUTION CONTROL BOARD

March 4, 2010

IN THE MATTER OF:)
)
PETITION OF WESTWOOD LANDS, INC.)
FOR AN ADJUSTED STANDARD FROM) AS 09-3
PORTIONS OF 35 ILL. ADM. CODE 807.104) (Adjusted Standard - Land)
AND 35 ILL. ADM. CODE 810.103 OR, IN)
THE ALTERNATIVE, A FINDING OF)
INAPPLICABILITY)

ORDER OF THE BOARD (by G.L. Blankenship):

On February 11, 2010, Westwood Lands, Inc. (Westwood) filed a motion for extension of time (Mot.). Westwood notes that, on January 7, 2010, the Board issued an opinion and order denying its petition for an adjusted standard or, in the alternative, a finding of inapplicability. Mot. at 1; see Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810.103 or, in the Alternative, a Finding of Inapplicability, AS09-3 (Jan. 7, 2010). That order concluding by stating that, “[d]epending on its conclusion as to its most appropriate course of action, Westwood may seek relief by, among other courses, filing a motion for reconsideration of this opinion and order, filing a petition addressing the deficiencies identified above, or petitioning the Board by seeking a non-solid waste determination pursuant to 35 Ill. Adm. Code 720.131.” *Id.*, slip op. at 40.

Westwood’s motion states that, because its counsel was served with the Board’s January 7, 2010 opinion and order on January 13, 2010, a motion to reconsider is due within 35 days, on or before February 17, 2010. Mot. at 1, citing 35 Ill. Adm. Code 101.300(c), 101.520. Westwood states that, although it “is working diligently to provide additional information to the Board, as part of a motion for reconsideration . . . , it cannot obtain all of the necessary information by February 7, 2010.” Mot. at 2. Westwood consequently “seeks an extension of time, to and including April 2, 2010, to file a motion for reconsideration.” *Id.* Westwood claims that it “does not make this motion for purposes of delay, but to allow sufficient time to obtain and provide information to the Board.” *Id.* Westwood argues that “[t]here are no deadlines in this case which will be impacted by this request” and that it “will be prejudiced if it does not obtain an extension, because it will be limited in the information available to it.” *Id.*

Section 100.500(d) of the Board’s procedural rules provides in pertinent part that, “[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion.” 35 Ill. Adm. Code 101.500(d). The Board has received no response to Westwood’s motion for extension of time. Having reviewed Westwood’s motion and in the absence of any opposition to it, the Board under the circumstances of this case grants the motion and extends Westwood’s deadline to file a motion for reconsideration to April 2, 2010.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 4, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board