

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 1997

CONTINENTAL WASTE INDUSTRIES OF )	
ILLINOIS, INC. )	
)	
Petitioner, )	
)	
v. )	PCB 97-104
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL )	
PROTECTION AGENCY )	
)	
Respondent. )	

ORDER OF THE BOARD (by K.M. Hennessey):

Continental Waste Industries of Illinois, Inc. (Continental) has filed an appeal of the Illinois Environmental Protection Agency's (Agency) denial of Continental's permit application regarding the Mount Vernon Transfer Station in Jefferson County, Illinois. In an order dated February 20, 1997, the Board accepted this matter for hearing.

Now pending before the Board is the Agency's February 24, 1997 motion for extension of time to file the Agency record (Mtn.). In its motion, the Agency states that the petition was filed on February 14, 1997 and the Agency received notice of that filing on February 18, 1997. (Mtn. at 1.) Under 35 Ill. Adm. Code 105.102(a)(4), the Agency Record is to be filed with the Board within 14 days upon notice of the petition. (*Id.*) The Agency notes that a public hearing has not been scheduled in this matter, and requests that the Board extend the period for filing of the Agency Record to "not less than 30 days from the date of the scheduled public hearing" in this case. (*Id.* at 1,2.) The Agency states that petitioner already has a majority of the documents that would constitute the Agency Record in this case and therefore will not be prejudiced by this extension. (*Id.* at 1.) Continental has not filed a response to the Agency's motion.

The Board grants the Agency's motion, with one modification. The Board notes that if either party files a motion for summary judgment, the Board may need the complete Agency Record. Accordingly, the Board's order will provide that the Agency Record must be filed within 14 days after the Agency files a motion for summary judgment or receives a motion for summary judgment filed by Continental.

ORDER

The Board grants the Agency's motion to file the Agency Record not less than 30 days from the date of the scheduled public hearing; provided, however, that if either party files a motion for summary judgment, the Agency must file the Agency Record within 14 days after

such motion is filed, if the motion is filed by the Agency, or within 14 days after the motion is received, if the motion is filed by Continental.

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 \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board