

ILLINOIS POLLUTION CONTROL BOARD  
November 12, 2019

LANDFILL 33, LTD.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 20-18
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**HEARING OFFICER ORDER**

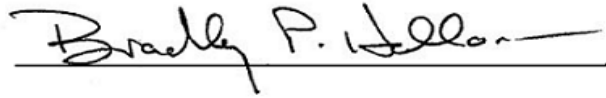
On October 17, 2019, the Board accepted for hearing petitioner’s timely petition seeking review of a September 6, 2019 permit determination by the Illinois Environmental Protection Agency (IEPA). The Board directed IEPA to file the administrative record of its determination by November 12, 2019. *See* 35 Ill. Adm. Code 101.300(a), 105.116(a), 105.212.

During a telephone status conference with Hearing Officer Carol Webb on November 5, 2019, IEPA reported that it hoped to file the administrative record by its deadline of November 12, 2019. Petitioner did not oppose a brief extension of this deadline if needed.

On November 7, 2019, IEPA filed a motion to extend its deadline to file the administrative record (Mot.). *See* 35 Ill. Adm. Code 105.116(a). IEPA states that, “[d]ue to the voluminous record in this matter, the task of preparing the administrative record cannot be completed by the filing deadline.” Mot. at 2. IEPA believes that an extended deadline of November 26, 2019, “will be adequate to allow for the necessary preparation and copying of the administrative record in this matter.” *Id.* IEPA reports that petitioner’s counsel has indicated that it “has no objection to this request.” *Id.*

The Board’s procedural rules provide that the hearing officer will not grant any motion before the 14-day response period expires, unless undue delay or material prejudice would result. 35 Ill. Adm. Code 101.500(d). IEPA’s deadline to file its record is today, and it timely filed a motion to extend. *See* 35 Ill. Adm. Code 105.116(a). IEPA reports that petitioner does not oppose the motion. The hearing officer finds that undue delay would result in these circumstances from allowing the 14-day response period to expire. The hearing officer grants the unopposed motion for extension and extends IEPA’s deadline to file its administrative record as requested to November 26, 2019. As before, the record must comply with the Board’s requirements for content, organization, and certification. *See* 35 Ill. Adm. Code 101.1030(g), 105.116(b), 105.212(b). The Agency must file the record electronically. Specifically, the record must be filed through the Clerk’s Office On-Line (COOL) or on compact disk or other portable electronic data storage device and, to the extent technically feasible, in text-searchable Adobe PDF. *See* 35 Ill. Adm. Code 101.302(h)(2)(A), 105.116(a).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

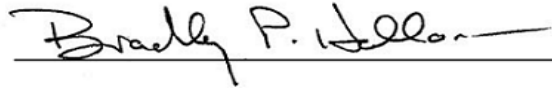
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601  
312-814-8917  
[brad.halloran@illinois.gov](mailto:brad.halloran@illinois.gov)

## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on November 12, 2019, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on November 12, 2019:

Don Brown  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601



Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
312-814-8917  
[brad.halloran@illinois.gov](mailto:brad.halloran@illinois.gov)

“@” Consents to electronic service

SERVICE LIST

PCB 2020-018@  
Christina L. Nannini  
Attorney General Office  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

PCB 2020-018@  
Richard S. Porter  
Hinshaw & Culbertson LLC  
100 Park Ave.  
P.O. Box 1389  
Rockford, IL 61105

PCB 2020-018@  
Charles F. Helsten  
Hinshaw & Culbertson LLC  
100 Park Ave.  
P.O. Box 1389  
Rockford, IL 61105