

ILLINOIS POLLUTION CONTROL BOARD  
February 21, 2002

ESG WATTS, INC. (Taylor Ridge Landfill), )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 02-55  
 ) (Permit Appeal - Land)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by C.A. Manning):

On November 15, 2001, the Board, at the parties' request, extended until February 11, 2002 the time period within which ESG Watts, Inc. (ESG) may appeal an October 9, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.208(a). On February 8, 2002, ESG filed a petition asking the Board to review the Agency's determination.

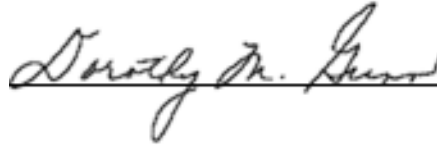
The Agency denied the application for significant modification regarding ESG's landfill in Rock Island County. ESG appeals on the grounds that local siting should not be required because this is not a new facility, that ESG's compliance history is an improper basis for denial, and that ESG was not afforded an opportunity to respond to technical issues during the permit process. ESG's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

ESG has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *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) (2000)), which only ESG may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, ESG "may deem the permit issued." 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is June 8, 2002 (the 120th business day after February 8, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for June 6, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after ESG 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 February 21, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board