

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1996

BFI MODERN LANDFILL #1 & #2,)	
)	
Petitioner,)	
)	PCB 96-86
v.)	(Permit Appeal - Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

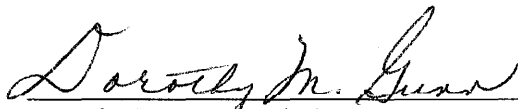
On February 27, 1996, petitioner BFI Modern Landfill #1 & #2 (BFI) filed a "Motion to Compel Filing of Permit Record," seeking to compel respondent Illinois Environmental Protection Agency (Agency) to file its administrative record in this matter no later than March 1, 1996. BFI states that a hearing has been scheduled in this matter for March 28, 1996, and that it needs access to the record to adequately prepare for hearing.

Subsequently, the Agency filed its record on February 29, 1996, accompanied by a motion to file instanter. Pursuant to 35 Ill. Adm. Code 105.102(a)(4), the Agency must file its record within 14 days upon notice of the petition. The Agency states that it received notice of the petition in this matter on December 26, 1995, and the record was therefore due to be filed on January 9, 1996. The Agency states that it was unable to complete preparation of the record prior to this time due to the press of Agency business.

The Agency's motion to file its record instanter is granted, and BFI's motion to compel filing of the record is therefore denied as moot.

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 7th day of March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board