

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 2003

IN THE MATTER OF: )  
)  
PETITION OF METROPOLITAN WATER ) AS 03-2  
RECLAMATION DISTRICT OF ) (Adjusted Standard - Land)  
GREATER CHICAGO FOR AN )  
ADJUSTED STANDARD FROM 35 ILL. )  
ADM. CODE 811, 812 AND 817 AND )  
MODIFACITON OF AS 95-4 (SLUDGE )  
APPLICATION) )

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

This matter comes before the Board upon a petition for adjusted standard filed on February 11, 2003, by the petitioner, Metropolitan Water Reclamation District of Greater Chicago (District). The District requests an adjusted standard from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3), which require using soil as a final cover at Illinois landfills. The District also requests a modification of its previously granted adjusted standard in In re Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application), AS 95-4 (Aug. 24, 1995).

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2002)). The Board is charged to "determine, define and implement the environmental control standards applicable in the State of Illinois" (415 ILCS 5/5(b) (2002)), and to "grant . . . an adjusted standard for persons who can justify such an adjustment" (415 ILCS 5/28/1(a) (2002)). More generally, the Board's responsibility in this matter is based on the checks and balances integral to Illinois environmental governance: the Board is charged with the rulemaking and principal adjudicatory functions, and the Illinois Environmental Protection Agency (Agency) is responsible for carrying out the principal administrative duties.

The Act also provides that "the Agency shall participate in [adjusted standard] proceedings." 415 ILCS 5/28.1(d)(3) (2002). On April 4, 2003, the Agency filed a response to the petition, which the Board interprets as a recommendation. The Agency supports grant of an adjusted standard in part, and denial in part. On May 2, 2003, the District filed a reply to the Agency's recommendation and an amended petition for adjusted standard, and waived its right to a hearing.<sup>1</sup> The Agency did not file a recommendation regarding the amended petition.

Based upon the pleadings before it and upon review of the factors involved in the consideration of adjusted standards, for the reasons outlined below, the Board finds that the

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<sup>1</sup> The petition will be cited as "Pet. at \_\_\_." The amended petition will be cited as "Am. Pet. at \_\_\_." The Agency's recommendation will be cited as "Ag. Rec. at \_\_\_." The District's reply will be cited as "District Reply at \_\_\_."

District has met the requirements for an adjusted standard and grants relief from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3). The Board declines to modify the adjusted standard previously in AS 95-4, because the Board's regulations do not provide for amending the conditions in an adjusted standard eight years after granting the adjusted standard.

### **PROCEDURAL HISTORY**

On February 11, 2003, the District filed a petition for adjusted standard from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3), so that the District's air-dried sludge material may be used at non-hazardous waste landfills instead of soil material for the top layer for final cover to support vegetation. Pet. at 1. Also on February 11, 2003, the District filed a motion to incorporate the petition and attachments filed *In re* Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application), AS 95-4 (Aug. 24, 1995). On March 6, 2003, the Board granted the motion.<sup>2</sup>

On April 4, 2003, the Agency filed its recommendation. The Agency recommends that the Board deny the petition to the extent the District seeks to use the term "biosolids" instead of "sludge" in the adjusted standard. Ag. Rec. at 5. The Agency is also concerned about the proposition that using sludge as final cover material will not result in environmental or health effects substantially and significantly more adverse than the effects the Board considered in adopting the rules of general applicability. Ag. Rec. at 5.

On May 2, 2003, upon receipt of the Agency's recommendation, the District filed an amended petition for an adjusted standard and a reply to the Agency's recommendation. The District made two changes in the amended petition. District Reply at 19. The District withdraws the request to use the term "biosolids" rather than "sludge." District Reply at 2; Am. Pet. at 12-13. The amended petition also corrects a typographical error in the proposed order. District Reply at 19. The District waives hearing in this matter. No hearing has been held.

### **ADJUSTED STANDARD PROCEDURE**

In both a general rulemaking and a site-specific rulemaking, the Board is required to take the following factors into consideration: the existing physical conditions; the character of the area involved, including the character of the surrounding land uses; zoning classifications; the nature of the receiving body of water; and the technical feasibility and economic reasonableness of measuring or reducing a particular type of pollution. 415 ILCS 5/27(a) (2002). The general procedures that govern an adjusted standard proceeding are found at Section 28.1 of the Act and the Board's procedural rules at 35 Ill. Adm. Code 104. Section 28.1 also requires that the adjusted standard procedure be consistent with Section 27(a) of the Act.

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<sup>2</sup> The incorporated petition from AS 95-4 filed on March 31, 1995, will be cited as "AS 95-4 Pet. at \_\_\_."

The District seeks an adjusted standard from rules of general applicability. In determining whether an adjusted standard should be granted from a rule of general applicability, the Board must consider, and the District has the burden to prove, the factors at Section 28.1(c) of the Act (415 ILCS 5/28.1(c) (2002)):

- 1) factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to the petitioner;
- 2) the existence of those factors justifies an adjusted standard;
- 3) the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and
- 4) the adjusted standard is consistent with any applicable federal law. 35 Ill. Adm. Code 104.426(a) and 415 ILCS 5/28.1.

### **FACILITY DESCRIPTION**

The District is located in Cook County, Illinois, and serves the city of Chicago and 124 suburban communities. AS 95-4 Pet. at 2. On average, the District treats about 1500 million gallons per day (MGD) of wastewater. *Id.* at 3. The wastewater is processed at seven water reclamation plants (WRPs). *Id.* at 15. Processing this wastewater generates about 200,000 dry tons of sludge in any given year. *Id.* at 3, 16. Although each WRP handles its sludge differently, the District generally processes its sludge using the following sequence of unit operations:

1. Gravity thickening
2. Centrifuge thickening
3. Anaerobic digestion
4. Centrifuge or lagoon dewatering
5. Lagoon storage
6. Air-drying (*Id.* at 16-17).

Solids processing at the District begins with the concentration of primary and secondary sludge in gravity concentration tanks. *Id.* at 17. The sludge is then anaerobically digested in heated ( $95^{\circ} \pm 1^{\circ}\text{F}$ ) high rate digesters for approximately 20 days, to reduce odor potential and destroy pathogens. *Id.* After anaerobic digestion, the liquid sludge (approximately 4% solids) is either mechanically dewatered using high speed centrifuges to approximately 25% to 30% solids or lagoon dewatered to produce 15% solids. *Id.* Both the liquid sludge and the dewatered centrifuge sludge is stored in lagoons to reduce its odor potential and further destroy pathogens.

*Id.* The sludge stored in lagoons is air-dried on asphalt-paved drying beds, using a mechanical agitation process to accelerate drying and further reduce pathogens. *Id.* All air-dried sludge has a high solids content of about 60%, is soil-like in appearance, low in pathogens and high in plant nutrients. *Id.*

The District ultimately utilizes the majority of its sludge as a fertilizer, soil amendment, or soil substitute. *Id.* at 17. After years of planning, the following are the options which the District has chosen for final disposition of its sludge product:

1. Sludge application to land in Fulton County, Illinois.
2. Sludge application to land at the Hanover Park water reclamation plant, Hanover Park, Illinois.
3. Landscaping at District WRPs.
4. Distribution to large-scale users for landscaping purposes (*e.g.*, Underwriters Laboratories, Worth Park District, Russell Road Interchange for the Tollway Commission).
5. Final protective layer for landfills.
6. Daily cover for landfills (*Id.* at 17-18).

### **REQUESTED RELIEF**

The District offers the following language for the requested adjusted standard:

1. This adjusted standard applies only to the air-dried sludge product generated by the Metropolitan Water Reclamation District of Greater Chicago (District).
2. District sludge that complies with the conditions in paragraph 3 below is approved as an alternative to the soil material standard at the inert waste, the putrescible (MSWLF) and chemical waste landfills, or the steel and foundry industry potentially usable and low risk waste classes of landfills regulated at 35 Ill. Adm. Code 810-815 and 817, for application as the final protective layer, as the final cover. The sections where the soil material standard is used are 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (c)(3).
3. When providing sludge for the applications enumerated in paragraph 2, the District shall provide air-dried sludge as described in its petition for an adjusted standard (AS95-4) and in its motion

for modification and processing in accordance with the following conditions:

- a. Anaerobic digestion:
    - i. at 35 to 55 degrees Celsius, except when a digester temperature, lowered temporarily due to digester feedings, might occasionally and briefly fluctuate below the minimum, and
    - ii. for a minimum of 15 days or longer with digestion temperatures and times (i.e., “Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius”) managed so as to ensure that the District’s anaerobically digested product is consistent with the USEPA’s pathogen treatment requirements for a Class B sludge; (40 CFR Part 503, Appendix B(A)(3)); and
  - b. Storage in lagoons for a minimum of one and half years after the final addition of sludge; and
  - c. Air-drying for a minimum of 4 weeks, or as necessary to achieve a solids content of 60 percent.
4. When providing sludge for the applications enumerated in paragraph 2, the District shall limit the sludge provided to amounts that are sufficient for a final depth of three feet as compacted using normal landscaping practices.
  5. The District will report to the Agency the start up, discontinuance, and quality of sludge deliveries to each facility.
  6. District sludge when used in compliance with this adjusted standard, is not a waste. Am. Pet. at 12-13.

### **REGULATORY FRAMEWORK**

The District seeks and adjusted standard from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3).

Section 811.204 provides:

Final Cover

A minimum of 0.91 meter (three feet) of soil material that will support vegetation which prevents or minimizes erosion shall be applied over all disturbed areas. Where no vegetation is required for the intended postclosure land use, the requirements of Section 811.205(b) will not apply; however, the final surface shall still be designed to prevent or minimize erosion.

Section 811.314(c)(3) provides:

#### Standards for the Final Protective Layer

- 1) The final protective layer shall cover the entire low permeability layer.
- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.91 meter (3 feet).
- 3) The final protective layer shall consist of soil material capable of supporting vegetation.
- 4) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

Section 812.313(d) provides:

The permit application shall contain documentation for the final cover system to demonstrate compliance with 35 Ill. Adm. Code 811.314, including:

\* \* \*

- d) A description of final protective cover, including a description of the soil and the depth necessary to maintain the proposed land use of the area;

\* \* \*

Section 817.303 provides:

#### Final Cover

Unless otherwise specified in a permit or other written Agency approval, a minimum of 0.46 meters (1.5 feet) of soil material that will support vegetation which prevents or minimizes erosion shall be applied over all disturbed areas.

Section 817.410(c)(2) and (3) provide:

- c) Standards for the final protective layer:

\* \* \*

- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root

penetration of the low permeability layer, but shall not be less than 0.46 meter (1.5 feet).

- 3) The final protective layer shall consist of soil material capable of supporting vegetation.

\* \* \*

#### **PREVIOUSLY GRANTED AS 95-4**

On August 24, 1995, the Board granted the District an adjusted standard from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303, and 817.410(c)(2) and (3). *In re* Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application), AS 95-4 (Aug. 24, 1995). The relief granted in AS 95-4 was conditioned upon the sludge being processed in accordance with certain conditions set forth in the Board's order. Am. Pet. at 3. The conditions included "anaerobic digestion at  $95^{\circ} \pm 1^{\circ}\text{F}$  for a minimum of 15 days or longer, as necessary to ensure that the District's air-dried sludge product will meet the United States Environmental Protection Agency's Part 503 (40 C.F.R. §503) pathogen requirements for a Class B sludge; storage in lagoons for a minimum of one and a half years after the final addition of sludge; and air drying for a minimum of four weeks, or as necessary to achieve a solids content of 60%." Am. Pet. at 3.

The District requests another adjusted standard because upon reviewing AS 95-4, the District realized that the anaerobic digestion temperature requirements of  $95^{\circ} \pm 1^{\circ}\text{F}$  in the Board's opinion and order in AS 95-4 may not always be met at the District's WRPs that produce sewage sludge used under AS 95-4. Am. Pet. at 3-4. Therefore, the District requests another adjusted standard that modifies the current specifications for anaerobic digestions of sludge in AS 95-4, so that the specifications are consistent with the Class B pathogen requirements of the Part 503 Sewage Sludge regulations. Am. Pet. at 8. Specifically, the District notes that the current wording of AS 95-4 does not consider the temperature fluctuations that sometimes occur, but that these types of fluctuations are implicitly accepted by the USEPA in the Part 503 Sewage Sludge regulations (40 C.F.R. §503). Am. Pet. at 7.

The District would prefer if the Board would modify the adjusted standard in AS 95-4, rather than have an entirely new adjusted standard with a different docket number. District Reply. at 3. However, as the District notes, the Board's rules do not provide for a method to amend an adjusted standard eight years after the adjusted standard was granted. District Reply at 3. Therefore, rather than modify the previously granted adjusted standard in AS 95-4, the Board will grant an entirely new adjusted standard.

#### **ARGUMENT**

##### **Substantially Different Factors**

The District argues that using the District's air-dried sludge was never discussed in the landfill regulatory proceeding. AS 95-4 Pet. at 55. The District concludes that the factors relating to the use of District sludge are substantially and significantly different from those relied

on in relation to the soil requirement. *Id.* at 55. The District also notes that until recently, the District was uncertain how ongoing state and federal regulatory proceedings addressing the management of landfills generally, and specifically sludge, would affect the District's sludge management program regarding landfill cover application. *Id.* at 56.

The Agency's recommendation does not address whether the factors relating to the District are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to the to the District.

### **Justification**

The District argues that no effort that the District would make will result in the compliance with the regulatory requirement to use soil material. *Id.* at 24. The District also contends that the District's petition shows that the District has a long-time investment in innovative technologies to put sludge to productive uses. *Id.* at 56. The District states that losing the beneficial productive use of air-dried sludge would be both environmentally and economically significant. *Id.* at 56.

The Agency's recommendation does not address the District's comments regarding justification, except to say that the Agency does not take issue with the District's statement that the regulations of general applicability do not specify a level of justification required to qualify for an adjusted standard. Ag. Rec. at 4.

### **Environmental Effect**

The District states that the adjusted standard petition has shown that not only are there no substantially or significantly more adverse environmental or health effects, but in some respects, the effects under the adjusted standard are superior to those effects considered by the Board when the Board established the use of soil material for the final protective layer and intermediate cover in the landfill regulations. AS 95-4 Pet. at 57. The District contends that the sludge produced by the District is of consistent quality, can be worked like soil, contains fertilizer for encouraging speedy vegetative growth, and can protect the low permeability layer in the final cover from freezing. *Id.* at 57.

The Agency responds that that the Agency's Bureau of Water has observed elevated levels of ammonia in the storm water runoff at Land and Lakes #3 landfill, which has received sludge from the District. Ag. Rec. at 2. The Agency does not believe that elevated ammonia levels in storm water runoff is characteristic of soil material, and may reflect an environmental concern regarding the use of air-dried sludge. Ag. Rec. at 3.

The Agency also states that it is unclear whether AS 95-4 adequately addressed the quantitative and qualitative impact on ammonia from the sludge when sludge is used as final cover on landfills. Ag. Rec. at 4. The Agency believes additional monitoring and reporting should be required by the landfills using the sludge as final cover under this adjusted standard. Ag. Rec. at 4. The Agency further states that the elevated levels of ammonia may show that using sludge instead of soil as the final cover may result in environmental or health effects



substantially and significantly more adverse than the effects considered by the Board in adopting the rules of general applicability. Ag. Rec. at 4.

In its reply, the District argues that the water runoff issue was thoroughly addressed to the Board's satisfaction in AS 95-4. District Reply at 5. The District argues that Land and Lakes #3 was never supplied with the District's sludge from AS 95-4. District Reply at 5. The District also contends that any unsuitable sludge shipped to Land and Lakes #3 may have been improperly accumulated or held in an area that lacked adequate drainage, runoff, and erosion controls. District Reply at 5.

The District notes that in support of its petition in AS 95-4, the District noted the following:

- 1) No adverse impact on surface water and groundwater quality was observed at a site in Fulton County where the District had been applying sludge for over 22 years.
- 2) After monitoring the groundwater quality for 10 years at 103rd and Doty Municipal Solid Waste Landfill where 225 acres were covered with a top layer of District sludge, the water quality had not changed significantly.
- 3) Additionally, a study by J.B. Farrell, *et al.* concluded that the addition of sludge to landfills improved the leachate quality. District Reply at 7.

The District argues that the same facts that the Board found persuasive in AS 95-4 regarding the effects of sludge as a top layer still exist today. District Reply at 8.

Additionally, the District argues that the Agency did not establish a correlation between ammonia levels at the Land and Lakes landfills and unsuitable District Sludge. District Reply at 12. The District further contends that to the District's knowledge, sewage sludge was not used as a final cover and was co-disposed because sewage sludge typically did not meet the lagoon aging and drying requirements in AS 95-4. District Reply at 14. Additionally, the District asserts that the Agency statement that the District sewage sludge used as a final vegetative cover was the source of ammonia nitrogen in landfill runoff is inaccurate. District Reply at 14.

Regarding the Agency's recommendation that additional monitoring and reporting should be required by the landfills using the sludge as final cover under this adjusted standard, the District responds that such a requirement would be overly burdensome and will present a severe impediment to the cost effective recycling of a valuable product. District Reply at 15. The District also responds that under the current regulatory structure, the Agency has a sufficient opportunity to review the use of sludge in the final protective layers at Illinois landfills before it is delivered. District Reply at 16.

### **Consistency with Federal Law**

The District argues the petition for adjusted standard is consistent with the Part 503 Sewage Sludge Regulations and the USEPA's subsequent revisions. Am. Pet. at 14. The District further states that the consistency of the proposed standard with existing federal law is the same as that described in the petition for AS 95-4. Am. Pet. at 14. Additionally, the requested adjusted standard is consistent with the USEPA's guidance document and site-specific certification for the process to further reduce pathogens (PFRP) granted by USEPA, Region V. Am. Pet. at 14.

The Agency agrees that the consistency of the proposed standard with existing federal law is the same as that described in the petition for AS 95-4. Ag. Rec. at 4. However, the Agency is uncertain about the relevance regarding the consistency of the proposed adjusted standard with federal regulations that do not apply to solid waste landfills, and with USEPA guidance documents. Ag. Rec. at 5.

### **FINDINGS**

Based on its review of the record in this matter, and the showings requisite for grant of an adjusted standard, the Board finds that grant of an adjusted standard in the instant case is warranted.

### **Substantially Different Factors**

The Board first finds that the District has established that the Board did not consider the use of sludge as final cover in the adopting the regulations of general applicability. Thus, the Board finds that the factors surrounding this are substantially and significantly different from those considered by the Board in adopting the rules of general applicability.

### **Justification**

The Board finds that the District has demonstrated the use of sludge is beneficial and cost-efficient. Therefore, the Board finds that the factors relating to the adjusted standard request justify an adjusted standard.

### **Environmental Effect**

The only contested issue in this proceeding is whether granting the adjusted standard would result in substantially or significantly more harmful health and environmental effects. The Board finds that the District has adequately refuted the Agency's concerns that using sludge as final cover instead of soil may lead to elevated levels of ammonia. The Agency based its allegation on one landfill, Land and Lakes Landfill #3, having elevated levels of ammonia in storm water runoff and having received District sludge. The District responded that Land and Lake Landfill #3 never received District sludge from AS 95-4. Additionally, the District previously provided information in AS 95-4 that showed that water quality at both a site in

Fulton County and at 103rd and Doty Municipal Solid Waste Landfill, had not changed significantly after years of applying sludge.

Additionally, the Board declines to order additional monitoring and reporting at the sites that receive District sludge. The Agency did not refute the District's evidence that sludge has been safely used, and therefore ordering additional monitoring and reporting is not justified.

The Board is persuaded that the use of sludge will not result in substantially or significantly more harmful health and environmental effects than were considered in adopting the rule of general applicability.

### **Consistency with Federal Law**

The Board finds, as the District suggests, that granting an adjusted standard is consistent with federal law.

### **SUMMARY**

For the reasons detailed above, the Board grants the District an adjusted standard from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3).

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

The Board grants an adjusted standard to the Metropolitan Water Reclamation District of Greater Chicago from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3) subject to the following conditions:

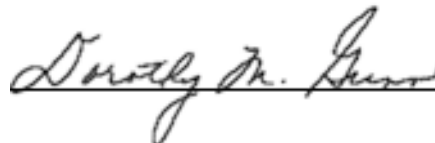
1. This adjusted standard applies only to the air-dried sludge product generated by the Metropolitan Water Reclamation District of Greater Chicago (District).
2. District sludge that complies with the conditions in paragraph 3 below is approved as an alternative to the soil material standard at the inert waste, the putrescible (MSWLF) and chemical waste landfills, or the steel and foundry industry potentially usable and low risk waste classes of landfills regulated at 35 Ill. Adm. Code 810-815 and 817, for application as the final protective layer, as the final cover. The sections where the soil material standard is used are 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (c)(3).
3. When providing sludge for the applications enumerated in paragraph 2, the District shall provide air-dried sludge as described in its petition for an adjusted standard in AS 03-2 and processed in accordance with the following conditions:

- a. Anaerobic digestion:
    - j. at 35 to 55 degrees Celsius, except when a digester temperature, lowered temporarily due to digester feedings, might occasionally and briefly fluctuate below the minimum, and
    - ii. for a minimum of 15 days or longer with digestion temperatures and times (i.e., “Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius”) managed so as to ensure that the District’s anaerobically digested product is consistent with the USEPA’s pathogen treatment requirements for a Class B sludge; (40 C.F.R. §503, Appendix B(A)(3)); and
  - b. Storage in lagoons for a minimum of one and half years after the final addition of sludge; and
  - c. Air-drying for a minimum of 4 weeks, or as necessary to achieve a solids content of 60 percent.
4. When providing sludge for the applications enumerated in paragraph 2, the District shall limit the sludge provided to amounts that are sufficient for a final depth of three feet as compacted using normal landscaping practices.
  5. The District will report to the Agency the start up, discontinuance, and quality of sludge deliveries to each facility.
  6. District sludge when used in compliance with this adjusted standard, is not a waste.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above opinion and order on July 24, 2003, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board