

ILLINOIS POLLUTION CONTROL BOARD  
May 7, 1998

COUNTY OF BOONE, a body	)	
corporate and politic, and the CITY	)	
OF BELVIDERE, a municipality,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 98-111
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On January 15, 1998, the Illinois Environmental Protection Agency (Agency) granted a permit to the County of Boone, a body corporate and politic, and the City of Belvidere, a municipality, (petitioners) regarding the Belvidere Municipal Landfill No. 2, located in Boone County, Illinois. On February 23, 1998, pursuant to Section 40(a)(1) of the Environmental Protection Act (415 ILCS 5/40(a)(1) (1996)), the Agency and petitioners requested an extension of the 35-day period to petition for a hearing before the Board to contest the Agency's decision. In its order of March 5, 1998, the Board stated that it would dismiss the docket if petitioners failed to file an appeal on or before April 15, 1998. Petitioners filed an appeal on April 15, 1998. This matter is accepted for hearing.

Petitioners' April 15, 1998, filing was accompanied by a motion for S. Richard Heymann to appear pro hac vice (motion). The motion explains that Mr. Heymann is an attorney licensed and registered to practice in Wisconsin and Missouri, but not Illinois, and that he has represented petitioners in matters related to this appeal for several years. The Agency filed no response to the motion. The motion is granted.

The hearing in this matter must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board will promptly issue appropriate directions to that assigned hearing officer.

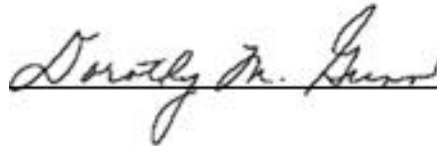
The assigned hearing officer must inform the Clerk of the Board of the time and location of the hearing at least 30 days in advance of hearing so that a 21-day public notice of hearing may be published. Within five days after the hearing, the hearing officer must submit to the Board an exhibit list, a statement regarding credibility of witnesses, and all exhibits.

Any briefing schedule must provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days before the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now August 13, 1998 (120 days from April 15, 1998). The Board meeting immediately preceding the decision deadline is scheduled for August 6, 1998.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer will unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

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 May 1998 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board