

ILLINOIS POLLUTION CONTROL BOARD
February 7, 2002

SALINE COUNTY LANDFILL, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 02-108
)	(Permit Appeal – Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On February 4, 2002, Saline County Landfill, Inc. (County) timely filed a petition asking the Board to review a January 4, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(a).

The Agency denied the application for a significant modification regarding the County's landfill facility located approximately 5 miles southeast of Harrisburg in Saline County. The County appeals on the grounds that it has siting authority. The County's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

The County 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 the County may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the County "may deem the permit issued." 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is June 4, 2002 (the 120th day after February 4, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for May 16, 2002.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination within 30 days after the County 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).

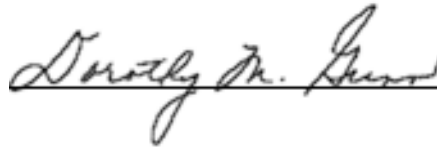
Finally, the County has requested an expedited review of this matter to allow for new cell construction during 2002. The County states that a lack of expedited review will result in temporary closure of the facility. The County calculates that, if it reduces intake to 50 tons per day (17% of its year 2000 intake rate), it will reach capacity in October 2002, and if it reduces intake to 100 tons per day, that it will reach capacity by May 2002. The County does not,

however, suggest an alternative decision date to the statutory decision date of June 4, 2002. However, the County states that it intends to waive hearing, and file a motion for summary judgment.

The Board grants the motion for expedited review consistent with its available resources and other decision deadlines. *See* 35 Ill. Adm. Code 101.513 (c). After consultation with the parties, the hearing officer is directed to issue an order for expedited filing of the record in this matter, while at the same time ensuring that any motions are filed and briefing completed in sufficient time to allow the Board adequate time to deliberate this matter.

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 7, 2002, 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