

ILLINOIS POLLUTION CONTROL BOARD  
November 4, 2004

IN THE MATTER OF: )  
)  
PETITION OF JOHNS MANVILLE FOR AN ) AS 04-04  
ADJUSTED STANDARD FROM: 35 Ill. ) (Adjusted Standard – Land)  
Adm. Code 811.310, 811.311, 811.318, and )  
814 )

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

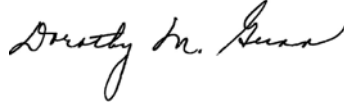
On June 30, 2004, Johns Manville (JM) filed a request (Pet.) for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) (415 ILCS 5/28.1 (2002)). JM seeks relief from the landfill closure requirements pertaining to landfill gas monitoring and management, and groundwater monitoring under 35 Ill. Adm. Code 814, 811.310(c)(1), 811.311(a)(1), and 811.318(b)(4). On August 5, 2004, the Board found that the petition was deficient and directed petitioner to address the information requirements of Section 28.1 of the Act (415 ILCS 5/28.1 (2002)) and Section 104.406 of the Board's rules in an amended petition.

On September 30, 2004, petitioner filed an amended petition. Section 28.1 of the Act (415 ILCS 5/28.1 (2002)) and 35 Ill. Adm. Code 104.408 require publication of a notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. The notice must be published within 14 days of filing a petition for an adjusted standard with the Board. *See* 35 Ill. Adm. Code 104.408(a). As required by 35 Ill. Adm. Code 104.410, the petitioner timely filed a certificate of publication with the Board on July 15, 2004. The notice of petition was published in the *News-Sun* on July 7, 2004. On October 22, 2004, petitioner filed a certificate of publication indicating that notice of the amended petition was published on October 6, 2004 in the *News-Sun*.

The Board finds that the notice meets the requirements of Section 28.1 of the Act (415 ILCS 5/28.1 (2002)) and 35 Ill. Adm. Code 104.408 and accepts this matter for hearing. The Board notes that JM has indicated that JM might waive a hearing if the Illinois Environmental Protection Agency concurs with the requested adjusted standard and no requests for hearings are forthcoming from the public. However, the Board finds that a hearing would be advisable and the Board directs the hearing officer to proceed expeditiously to hearing. At hearing JM should be prepared to address the provisions of Section 814.402(b)(3)(B) (leachate characteristics) and 814.402(b)(3)(C) and (F) (groundwater quality). JM did not discuss those provisions of the Board's rules in the amended petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 4, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board