

ILLINOIS POLLUTION CONTROL BOARD

August 6, 2026

KENDA C. HESS, THERESA C. ADAMS,	)	
LORI SHIELDS, JOHN AND JOYCE	)	
BORCHERS, LOIS ROONEY, CHARLES	)	
ARCHIBALD, YOLANDA TAYLOR-	)	
HUDSON, and MARY MANN RIEFSTECK,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 27-02
	)	(Third-Party Pollution Control Facility
AREA DISPOSAL SERVICE, INC., and	)	Siting Appeal)
VILLAGE OF RANTOUL,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by A. Tin):

On July 21, 2026, Kenda C. Hess, Theresa C. Adams, Lori Shields, John and Joyce Borchers, Lois Rooney, Charles Archibald, Yolanda Taylor-Hudson, and Mary Mann Reifsteck (collectively, Petitioners) timely filed a petition asking the Board to review a June 16, 2026, decision of the Village of Rantoul. *See* 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 101.300(b), 107.204. The Village of Rantoul granted Area Disposal Service, Inc.'s (Area Disposal) application to site a pollution control facility at 896 West Champaign Avenue in Rantoul, Champaign County.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), before the Illinois Environmental Protection Agency can issue a permit to develop or construct a new or expanding pollution control facility, the permit applicant must obtain siting approval for the facility from the local government (*i.e.*, the county board if in an unincorporated area or the governing body of the municipality if in an incorporated area). Siting approval must be obtained pursuant to Section 39.2 of the Act, which requires the local government to conduct a public hearing in accordance with the requirements of Section 39.2(d) and the principles of fundamental fairness. If the local government approves siting, certain third parties may appeal the local government's decision to the Board. *See* 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 107.

In this case, Petitioners appeal on the grounds that Area Disposal did not meet its burden to satisfy the criteria in 415 ILCS 5/39.2(a)(i), (ii), (iii), and (vi) by failing to meet its burden to establish that the recycling and waste transfer station is: necessary to accommodate the waste needs of the area; so designed, located and proposed to be operated that the public health, safety and welfare will be protected; located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property; and established that the traffic patterns to or from its station are so designed as to minimize the

impact on existing traffic flows. For the reasons below, the Board accepts the petition for hearing.

THIRD-PARTY APPEAL

Section 40.1(b) of the Act (Act) (415 ILCS 5/40.1(b) (2024)) allows third parties to appeal a local government decision granting approval to site a pollution control facility if the third parties participated in the local government's public hearing and are so located as to be affected by the proposed facility. *See* 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 107.200(b). The petition for review must, among other things, specify the grounds for appeal and include a copy of the local government's siting decision. *See* 35 Ill. Adm. Code 107.208. The third party must file the petition within 35 days after the local government approves siting. *See* 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 107.204. Unless the Board determines that the third party's petition is "duplicative or frivolous," the Board will hear the petition. 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 107.200(b).

The petition states that the petitioners participated in the Village of Rantoul's public hearing and that the nine petitioners are so located as to be affected by the proposed facility. Petitioners specify the grounds for the appeal and include a copy of the Village of Rantoul's siting decision. The petition appears to meet the content requirements of 35 Ill. Adm. Code 107.208. Petitioners also filed its petition within 35 days after the Village of Rantoul's approved siting.

HEARING AND DECISION DEADLINE

An action before the Board is duplicative if it is "identical or substantially similar to one brought before the Board or another forum." 35 Ill. Adm. Code 101.202. An action before the Board is frivolous if it is "a request for relief that the Board does not have the authority to grant" or "fails to state a cause of action upon which the Board can grant relief." *Id.* No evidence before the Board indicates that this action is duplicative or frivolous. The Board accepts this petition for hearing.

The Petitioners have burden of proof. *See* 415 ILCS 5/40.1(b) (2024); 35 Ill. Adm. Code 107.506. Hearings will be based exclusively on the record before the Village of Rantoul, except that, if relevant, evidence may be introduced on (1) the local government's jurisdiction over the siting application and (2) the fundamental fairness of the procedures used by the local government in reaching its decision. *See* 415 ILCS 5/40.1(b) (2024); Land & Lakes v. IPCB, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000).

Upon its own motion or the motion of any party, the Board or the hearing officer may order that the hearing be held by videoconference. In deciding whether to hold the hearing by videoconference, factors that the Board or the hearing officer will consider include cost-effectiveness, efficiency, facility accommodations, witness availability, public interest, the parties' preferences, and the proceeding's complexity and contentiousness. *See* 35 Ill. Adm. Code 101.600(b), 107.400.

Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.1(a), (b) (2024)), which only Area Disposal may extend by waiver (35 Ill. Adm. Code 107.504; *see also* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Area Disposal “may deem the site location approved.” 415 ILCS 5/40.1(a) (2024). Currently, the decision deadline is November 18, 2026, which is the 120th day after the Board received the petition. *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for November 5, 2026.

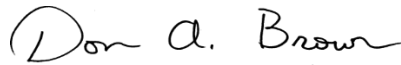
VILLAGE OF RANTOUL’S RECORD

The Village of Rantoul must file the entire record of its proceedings within 21 days after the date of this order. *See* 35 Ill. Adm. Code 107.302. The record must comply with the Board’s requirements for content, organization, and certification. *See* 35 Ill. Adm. Code 101.1030(g), 107.304, 107.308. In addition, the Village of Rantoul must file the record electronically instead of on paper. Specifically, the record must be filed through the Clerk’s Office On-Line (COOL) or on compact disk or other portable electronic data storage device and, to the extent technically feasible, in text-searchable Adobe PDF. *See* 35 Ill. Adm. Code 101.302(h)(2)(C), 107.302.¹

Because the Petitioners qualify as a citizens’ group, they are “exempt from paying the costs of preparing and certifying the record.” 415 ILCS 5/39.2(n) (2024); 35 Ill. Adm. Code 107.306.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 6, 2026, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

¹ Any questions about filing the record in an electronic format should be directed to the Clerk’s Office at (312) 814-3620.