

ILLINOIS POLLUTION CONTROL BOARD
January 23, 2003

WASTE MANAGEMENT OF ILLINOIS, INC.,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 03-104
)	(Pollution Control Facility
COUNTY BOARD OF KANE COUNTY, ILLINOIS,)	Siting Appeal)
)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On January 14, 2003, Waste Management of Illinois, Inc., (Waste Management) timely filed a petition asking the Board to review a December 10, 2002 decision of the County Board of Kane County, Illinois (Kane County Board). *See* 415 ILCS 5/40.1(a) (2002), 35 Ill. Adm. Code 107.204. The Kane County Board denied Waste Management’s application to site a pollution control facility, the proposed Woodland Transfer Facility, to be located on Route 25 and Route 64 in unincorporated Kane County.

Section 40.1(a) of the Environmental Protection Act (Act) (415 ILCS 5/40.1(a) (2002)), authorizes Waste Management to appeal to the Board. Waste Management appeals on the grounds that the procedures used by the Kane County Board were fundamentally unfair. Waste Management also contends that the Kane County Board’s decision that criteria (ii), (iii), (vi), and (viii) of Section 39.2 of the Act was against the manifest weight of the evidence. Waste Management’s petition meets the content requirements of 35 Ill. Adm. Code 107.208. The Board accepts the petition for hearing.

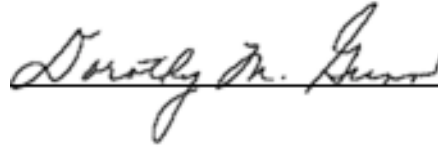
Waste Management has the burden of proof. 415 ILCS 5/40.1(a) (2002), *see also* 35 Ill. Adm. Code 105.506. Hearings will be based exclusively on the record before the Kane County Board except when considering the issue of fundamental fairness. 415 ILCS 5/40.1(a) (2002). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.1(a) (2002), which only Waste Management 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, Waste Management “may deem the site location approved.” 415 ILCS 5/40.1(a) (2002). Currently, the decision deadline is May 14, 2003 (the 120th day after January 14, 2003). *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for May 1, 2003.

The Kane County Board must file the entire record of its proceedings within 21 days after the date of this order. The record must comply with the content and certification requirements of 35 Ill. Adm. Code 107.304, 107.308. Waste Management must pay the Kane County Board the

cost of preparing and certifying the record. 415 ILCS 5/39.2(n) (2002); 35 Ill. Adm. Code 107.306; *see also* 35 Ill. Adm. Code 107.502(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board