

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

DEC 26 2003

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and, ALLIED
WASTE TRANSPORTATION, INC.

Petitioners,

vs.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. PCB No. 04-48

NOTICE OF FILING

TO: All Counsel of Record (see attached service list)

PLEASE TAKE NOTICE that on December 22, 2003, the undersigned filed with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601, an original and nine copies of the Petition for Appeal and Review of Permit Denial, copies of which are attached hereto.

Dated: 12/22/03

Respectfully Submitted,

VILLAGE OF ROBBINS and ALLIED WASTE
TRANSPORTATION, INC., Petitioners

By: Hinshaw & Culbertson

Charles F. Helsten
One of Attorneys

Hinshaw and Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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DEC 28 2003

VILLAGE OF ROBBINS and, ALLIED
WASTE TRANSPORTATION, INC.

Petitioners,

vs.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

STATE OF ILLINOIS
Pollution Control Board

Case No. PCB No. 04-48

PETITION FOR APPEAL AND REVIEW OF PERMIT DENIAL

NOW COMES the Petitioners, Village of Robbins, Illinois, and Allied Waste Transportation, Inc., by and through undersigned counsel of record, and hereby respectfully move this Board to grant their Petition to Appeal and Review of a denial of an application for modification of a solid waste management facility permit pursuant to 415 ILCS 5/40(1)(1) and 35 Ill. Adm. Code 105.208(a) and, in support thereof, state as follows:

1. On August 28, 2003, the Respondent herein (Illinois Environmental Protection Agency) issued a final decision to the Petitioners, denying Petitioners Application for Permit to modify a solid waste management site. A copy of that denial is marked Exhibit A and attached hereto and incorporated herein by this reference.
2. Thereafter, on or about the 2nd day of October, 2003, the parties herein request that this Honorable Board grant an extension of the 35 day period for petitioning for appeal and review of the Respondent's permit denial to December 31, 2003, or any other date not more than a total of 125 days from the date of service of the Respondent's final decision upon the Petitioners.
3. Further, a true and accurate copy of such request is marked Exhibit B and attached hereto and incorporated herein by this reference.

4. On October 16, 2003, this Honorable Board entered an Order granting the Petitioners herein until December 31, 2003 to file their appeal and petition for review of the August 28, 2003 determination of the Respondent. A true and accurate copy of such Order is marked Exhibit C and attached hereto and incorporated herein by this reference.

5. The Petitioners bring this Petition and Appeal for the limited purpose of appealing those determinations of the Respondent set forth in paragraphs 1. and 2. of the August 28, 2003 permit denial.

6. The Respondent's denial of the Petitioners Application for Permit which is the subject of this Appeal and Petition for Review was improper, and without basis under the regulations of this Honorable Board, and further without basis under the Illinois Environmental Protection Act (the Act) for the following reasons:

a. The Petitioners submitted documentation which demonstrated that the facility had obviously obtained local siting approval (without conditions) to conduct a range of waste receipt, handling and processing operations (which included those set forth in Petitioners' Application for Permit to modify a solid waste management site). As such, the Respondent was provided information as is reasonably necessary to determine whether the waste management activities proposed in the Permit Application would meet the requirements of the Act and the regulations of this Honorable Board.

b. Moreover, as the Agency had previously permitted a waste transfer component to be conducted at the facility in question, and as the Agency had also permitted a number of waste receipt, handling and processing activities which essentially included those requested by the Petitioners in the Application for Permit which is the subject of this Appeal and Petition for Review, the Respondent, by its actions in so permitting the

facility, had recognized that the requirements of Section 39(c) of the Act had already been met.

c. The site security and access control grounds upon which the Respondent denied the Petitioners' Application for Permit in numbered paragraph 2 of the August 28, 2003 denial letter do not in fact involve the storage and transfer of waste. Accordingly, the Respondent's determination that 35 Ill. Adm. Code 807.201 would have been violated by issuance of a permit was improper and contrary to applicable regulations and the Act.

d. The Respondent further erred in denying the Petitioners' Application for Permit in that none of the proper grounds for denial of such permit set forth in Section 39 of the Act existed in the present case, and, moreover, granting of such permit would not have violated any sections of the Act or provisions of the regulations promulgated under the Act.

Wherefore, the Petitioners request this Honorable Board to:

- a. Grant its Petition for Appeal and Petition for Review;
- b. Reverse the determination of the Respondent denying the Petitioners' Application for Permit;
- c. For such other and further relief as this Honorable Board deems just and appropriate in the circumstances.

Dated: 12/22/03

Respectfully Submitted,

VILLAGE OF ROBBINS and ALLIED WASTE
TRANSPORTATION, INC., Petitioners

By: Hinshaw & Culbertson

HINSHAW AND CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900



Charles F. Helsten
One of Attorneys

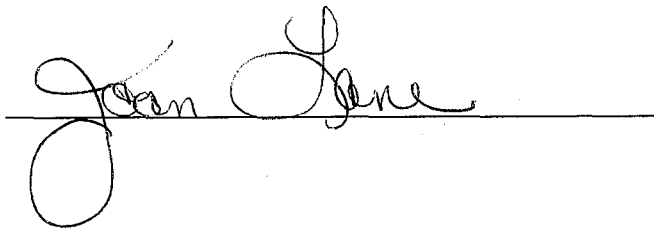
AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on December 22, 2003 , a copy of the foregoing was served upon:

Via UPS Overnight Mail
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

John J. Kim
Renee Cipriano
Special Assistant Attorney General
Division of Legal Counsel
1021 N. Grand Avenue, East
Springfield, IL 62794-9276

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Chicago, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

A handwritten signature in cursive script, appearing to read "John J. Kim", is written over a horizontal line.

HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1369
Rockford, IL 61101
(815) 490-4900

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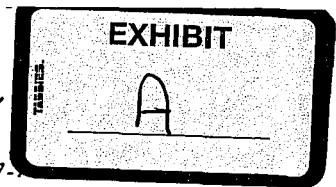
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR



217/524-3300

August 28, 2003

Certified Mail

7002 3150 0000 1219 7929

7002 3150 0000 1219 7912

Village of Robbins
Attn: Irene Brody
3327 West 137th Street
Robbins, Illinois 60472

Allied Waste Transportation, Inc.
Attn: Steve Smith
13701 South Kostner
Crestwood, Illinois 60445

Re: 0312700001 - Cook County
Robbins Resource Recovery
Log No. 2003-161
Permit File

Dear Ms. Brody:

This will acknowledge receipt of your Application for Permit to modify a solid waste management site, dated May 6, 2003, which was received by the Illinois Environmental Protection Agency ("Illinois EPA") on May 7, 2003. The following Addendums to the application were also received and reviewed as part of the application:

<u>Document</u>	<u>Dated</u>	<u>Date Received</u>
Copies of the Siting Resolutions	May 12, 2003	May 12, 2003
Request for Extension/Waiver	June 27, 2003	June 27, 2003
Response to Notice of Deficiency	July 10, 2003	July 11, 2003

Your application to develop and operate a recycling and waste transfer station on a portion of the former Robbins Resource Recovery facility is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act (415 ILCS 5/1 et seq.) requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. In accordance with 35 Ill. Adm. Code 807.207, the Illinois EPA cannot issue the permit for the following reasons:

1. The applicant failed to submit sufficient documentation that the facility has obtained local siting approval to conduct a waste transfer facility and receive special waste. This information was required in accordance with 35 Illinois Administrative Code (IAC) 807.205(b). This section requires the applicant to submit such additional information as is reasonably necessary to determine whether the waste management activities will meet

the requirements of the Act and regulations. Section 39(c) of the Act prohibits the Illinois EPA from granting a development permit to a new pollution control facility unless the applicant submits proof that the location has been approved in accordance with Section 39.2 of the Act.

2. The applicant proposed to conduct waste management activities outside the proposed new solid waste management site. Site security, access control and waste receipt/processing are activities involving the storage and transfer of waste. 35 Ill. Adm. Code 807.201 states no person shall cause or allow the development of any new solid waste management site without a development permit issued by the Illinois EPA.
3. In accordance with 35 Ill. Adm. Code 802.205(a), the applicant failed to:
 - a. demonstrate the capacity of the containment system is sufficient to collect releases and accumulated liquids in order to prevent the migration of waste or accumulated liquids to the soil, groundwater or surface water at any time during its use to insure a violation of 21(a) of the Act does not occur;
 - b. provide procedures for detecting and managing unacceptable wastes which may arrive mixed in waste shipments to insure compliance with Sections 22.22, 22.23, 22.28, 56.1, 55(a), 21(e) and 21(f) of the Act;
 - c. provide a copy of Allied's Special Waste reference guide. This guide details the type, time and frequency of testing to be performed on wastes used in the solidification process to insure the facility operator can properly treat the waste and to ensure the resulting treated waste will meet the condition for disposal at an off-site facility in accordance with Section 21(d) the Act;
 - d. indicate that records of the amount of waste received and transferred are maintained in their operating record in accordance with 21(d) of the Act;
 - e. provide detailed information on the design of a water vapor/misting system for odor control necessary to evaluate and permit the development and operation of the system in accordance with Section 21(d) of the Act; and
 - f. identify the parameters tested in Section V of their generator waste profile sheet to insure compliance with Section 21(d) of the Act.

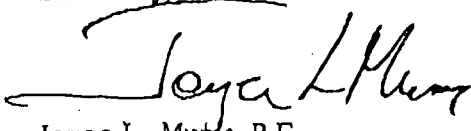
Because of the deficiencies described above issuance of this permit would result in violations of 35 Ill. Adm. Code, Sections 807.201, 807.202, 807.205, 807.207, and Sections 21(d)(2), 21(e), 39(a) and 39(c) of the Act.

Within 35 days after notification of the final permit decision the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Page 3

Should you wish to reapply or have any questions regarding this application, please contact Mark A. Schollenberger, P.E., at 217/524-3307.

Sincerely,

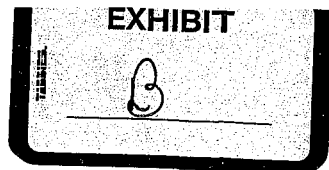


Joyce L. Murre, P.E.
Manager, Permit Section
Bureau of Land

JLM:MAS:bjh\031381s.doc

cc: Kenneth J. Karl, EMCON/OWT, Inc.

JCT 0



BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

VILLAGE OF ROBBINS and,)
ALLIED WASTE)
TRANSPORTATION, INC.,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04-
(Permit Appeal – Ninety Day Extension)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

A handwritten signature in black ink, appearing to read "John J. Kim".

John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 2, 2003

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

VILLAGE OF ROBBINS and,)	
ALLIED WASTE)	
TRANSPORTATION, INC.,)	
Petitioner,)	
v.)	PCB No. 04-
ILLINOIS ENVIRONMENTAL)	(Permit Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for a hearing to December 31, 2003, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On August 28, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)

2. On September 19, 2002, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner did not represent when the final decision was received. (Exhibit B)

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John L. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 2, 2003


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 2, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

HINSHAW & CULBERTSON
ATTORNEYS AT LAW

BELLEVILLE, ILLINOIS
CHAMPAIGN, ILLINOIS
CHICAGO, ILLINOIS
CRYSTAL LAKE, ILLINOIS
JOLIET, ILLINOIS
LISLE, ILLINOIS
PEORIA, ILLINOIS
ROCKFORD, ILLINOIS
SPRINGFIELD, ILLINOIS
WAUKEGAN, ILLINOIS
PHOENIX, ARIZONA

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chelsten@hinshawlaw.com

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SAN FRANCISCO, CALIFORNIA
FT. LAUDERDALE, FLORIDA
JACKSONVILLE, FLORIDA
MIAMI, FLORIDA
TAMPA, FLORIDA
SCHERERVILLE, INDIANA
MINNEAPOLIS, MINNESOTA
ST. LOUIS, MISSOURI
NEW YORK, NEW YORK
APPLETON, WISCONSIN
MILWAUKEE, WISCONSIN

WRITER'S DIRECT DIAL
815-490-4906

FILE NO. 820753

September 19, 2003

CERTIFIED MAIL RETURN RECEIPT

John Kim
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

RECEIVED
Division of Legal Counsel
SEP 23 2003
Environmental Protection
Agency

Re: Robbins Resource Recovery (Log No. 2003-161)
Permit File: 0312700001-Cook County

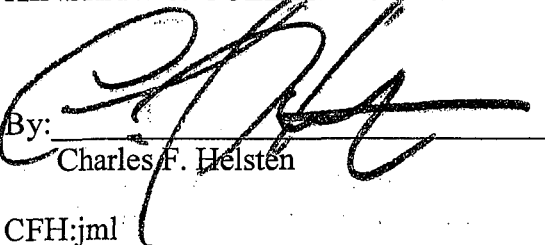
Dear John:

As you know, on August 28, 2003, the Illinois Environmental Protection Agency ("Illinois EPA") denied the Application for Permit to modify the above-mentioned solid waste management site. A copy of that letter is attached hereto. The Applicants herein have directed me to request an extension of the deadline for Petition for Further Review of Illinois EPA's decision to the Illinois Pollution Control Board for a period of time not to exceed 90 days.

Please advise if the Agency will execute such a request for extension of the time period in which to appeal this matter to the Board.

Very truly yours,

HINSHAW & CULBERTSON

By: 
Charles F. Helsten
CFH:jml

cc: William Mansker
Steve Smith



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

EXHIBIT

A

217/524-3300

August 28, 2003

Certified Mail

7002 3150 0000 1219 7929

7002 3150 0000 1219 7912

Village of Robbins
Attn: Irene Brody
3327 West 137th Street
Robbins, Illinois 60472

Allied Waste Transportation, Inc.
Attn: Steve Smith
13701 South Kostner
Crestwood, Illinois 60445

Re: 0312700001 - Cook County
Robbins Resource Recovery
Log No. 2003-161
Permit File

Dear Ms. Brody:

This will acknowledge receipt of your Application for Permit to modify a solid waste management site, dated May 6, 2003, which was received by the Illinois Environmental Protection Agency ("Illinois EPA") on May 7, 2003. The following Addendums to the application were also received and reviewed as part of the application:

<u>Document</u>	<u>Dated</u>	<u>Date Received</u>
Copies of the Siting Resolutions	May 12, 2003	May 12, 2003
Request for Extension/Waiver	June 27, 2003	June 27, 2003
Response to Notice of Deficiency	July 10, 2003	July 11, 2003

Your application to develop and operate a recycling and waste transfer station on a portion of the former Robbins Resource Recovery facility is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act (415 ILCS 5/1 et seq.) requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. In accordance with 35 Ill. Adm. Code 807.207, the Illinois EPA cannot issue the permit for the following reasons:

1. The applicant failed to submit sufficient documentation that the facility has obtained local siting approval to conduct a waste transfer facility and receive special waste. This information was required in accordance with 35 Illinois Administrative Code (IAC) 807.205(b). This section requires the applicant to submit such additional information as is reasonably necessary to determine whether the waste management activities will meet

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU (F. LAM) - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 286-6897 • COLLINGSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120

MA

A

the requirements of the Act and regulations. Section 39(c) of the Act prohibits the Illinois EPA from granting a development permit to a new pollution control facility unless the applicant submits proof that the location has been approved in accordance with Section 39.2 of the Act.

2. The applicant proposed to conduct waste management activities outside the proposed new solid waste management site. Site security, access control and waste receipt/processing are activities involving the storage and transfer of waste. 35 Ill. Adm. Code 807.201 states no person shall cause or allow the development of any new solid waste management site without a development permit issued by the Illinois EPA.
3. In accordance with 35 Ill. Adm. Code 802.205(a), the applicant failed to:
 - a. demonstrate the capacity of the containment system is sufficient to collect releases and accumulated liquids in order to prevent the migration of waste or accumulated liquids to the soil, groundwater or surface water at any time during its use to insure a violation of 21(a) of the Act does not occur;
 - b. provide procedures for detecting and managing unacceptable wastes which may arrive mixed in waste shipments to insure compliance with Sections 22.22, 22.23, 22.28, 56.1, 55(a), 21(e) and 21(f) of the Act;
 - c. provide a copy of Allied's Special Waste reference guide. This guide details the type, time and frequency of testing to be performed on wastes used in the solidification process to insure the facility operator can properly treat the waste and to ensure the resulting treated waste will meet the condition for disposal at an off-site facility in accordance with Section 21(d) the Act;
 - d. indicate that records of the amount of waste received and transferred are maintained in their operating record in accordance with 21(d) of the Act;
 - e. provide detailed information on the design of a water vapor/misting system for odor control necessary to evaluate and permit the development and operation of the system in accordance with Section 21(d) of the Act; and
 - f. identify the parameters tested in Section V of their generator waste profile sheet to insure compliance with Section 21(d) of the Act.

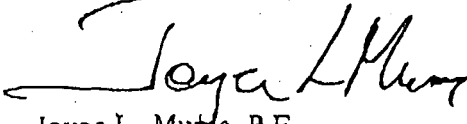
Because of the deficiencies described above issuance of this permit would result in violations of 35 Ill. Adm. Code, Sections 807.201, 807.202, 807.205, 807.207, and Sections 21(d)(2), 21(e), 39(a) and 39(c) of the Act.

Within 35 days after notification of the final permit decision the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Page 3

Should you wish to reapply or have any questions regarding this application, please contact Mark A. Schollenberger, P.E., at 217/524-3307.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce L. Murrie".

Joyce L. Murrie, P.E.
Manager, Permit Section
Bureau of Land

JLM:MAS:bjh\031381s.doc

cc: Kenneth J. Karl, EMCON/OWT, Inc.

OCT 14 2003

EXHIBIT

tabbies

ILLINOIS POLLUTION CONTROL BOARD

October 16, 2003

VILLAGE OF ROBBINS and ALLIED
WASTE TRANSPORTATION, INC.,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 04-48

(Permit Appeal - Land)

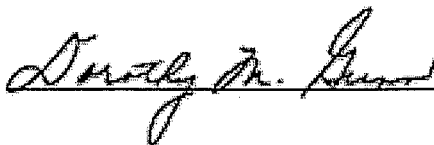
(90-Day Extension)

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

On October 6, 2003, the parties timely filed a joint notice to extend the 35-day period within which the Village of Robbins and Allied Waste Transportation, Inc. (petitioners) may appeal an August 28, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(c), 105.208(a), (c). Because the postmark date of the joint request is within the time for filing, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. At issue is the Agency's denial of a modification of a solid waste management facility permit regarding the petitioners' recycling and waste transfer facility at 3327 West 137th Street, Robbins, Cook County. The Board extends the appeal period until December 31, 2003, as the parties request. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.208(a). If the petitioners fail to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 16, 2003, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board