

ILLINOIS POLLUTION CONTROL BOARD

May 20, 2004

WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-186
)	(Pollution Control Facility
COUNTY BOARD OF KANKAKEE)	Siting Appeal)
COUNTY,)	
)	
Respondent.)	

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

On April 22, 2004, Waste Management of Illinois, Inc. (Waste Management) timely filed a petition asking the Board to review a March 25, 2004 decision of County Board of Kankakee County (County). *See* 415 ILCS 5/40.1(a) (2002); 35 Ill. Adm. Code 107.204. The County denied Waste Management's application to site a pollution control facility located in Kankakee County.

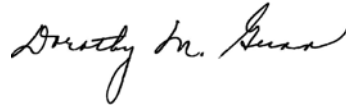
Section 40.1(a) of the Environmental Protection Act (415 ILCS 5/40.1(a) (2002)) authorizes Waste Management's appeal to the Board. Waste Management appeals on the grounds that the County's decision to deny was against the manifest weight of the evidence. Waste Management's petition meets the content 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 County. 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 August 20, 2004 (the 120th day after April 22, 2004). *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for August 19, 2004.

The County 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 to the County 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 May 20, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board