

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1995

BFI MODERN LANDFILL)
#1 & #2,)
)
Petitioner,)
)
v.) PCB 96-86
) (Permit Appeal-Land
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On October 20, 1995, the Illinois Environmental Protection Agency (Agency) and BFI Modern Landfill #1 & #2 (BFI) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a September 28, 1995 Agency determination regarding BFI's permit application. The Agency requested the extension "to December 27, 1995, or any other date not more than a total of 90 days from the date of the Agency's final determination".

P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(a)(1), which governs the permit appeal process, to provide:

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 Agency within the initial appeal period.

As the Board maintains its files by docket number only, the Board will reserve Docket PCB 96-86 for any appeal which may be filed by BFI. In the event that BFI fails to file an appeal on or before December 27, 1995 (the 90th day after September 28, 1995), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as BFI files such petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ___ day of _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board