

ILLINOIS POLLUTION CONTROL BOARD
September 18, 2003

ROCHELLE WASTE DISPOSAL, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	PCB 03-218
)	(Pollution Control Facility
CITY COUNCIL OF THE CITY OF)	Siting Appeal)
ROCHELLE, ILLINOIS,)	
)	
Respondent.)	

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

This case is before us on a motion for extension of time and for leave to file a reduced number of copies of the record filed by the City Council of the City of Rochelle, Illinois (City) on September 12, 2003. On May 21, 2003, Rochelle Waste Disposal, L.L.C. (Rochelle Waste Disposal) timely filed a petition asking the Board to review an April 24, 2003 decision of the City. The City's decision denied Rochelle Waste Disposal's proposed siting of a pollution control facility at 6513 South Mulford Road, Rochelle, Ogle County. For the reasons below, the Board grants the City's motion.

MOTION FOR EXTENSION OF TIME AND REDUCED NUMBER OF COPIES

In its motion, the City asserts that it is diligently working to prepare and certify its record, but that the City Clerk's Office is staffed by only one person (the City Clerk) who will be out of the office from September 8, 2003 through September 12, 2003. Mot. at 1. The City asserts that the record is voluminous, and that the process of organizing, numbering and certifying the record is extremely time-consuming. *Id.*

The City estimates the record will be completed early in the week of September 15, 2003, but that additional time will be needed to copy and file the record with the Board. Mot. at 2. The City asserts that no hearing date is set in this matter; that the decision deadline is currently January 19, 2004; that discovery is still underway; and that no party will be prejudiced by an extension of time. *Id.* The City requests leave to file the record on or before September 26, 2003.

In addition, the City seeks leave to file the original and three copies of the majority of the record, and only the original of the Environmental Protection Agency (Agency) operating record of the existing facility, the sample of the composite line proposed for the facility, and a CD-ROM presentation dated March 4, 2003. Mot. at 2. The City contends these documents and materials are either extremely voluminous or difficult to copy. Mot. at 3.

To date, Rochelle Waste Disposal has not filed a response with the Board. However, on September 15, 2003, Rochelle Waste Disposal informed Board hearing officer Brad Halloran that it did not object to the motion, and that it will not file a response.

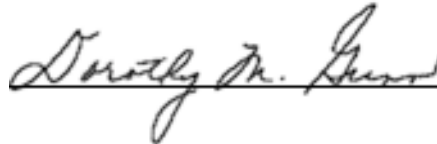
DISCUSSION

Unless undue delay or material prejudice will result, the Board will not grant any motion before the expiration of the 14-day response period except in deadline-driven proceedings where no waiver has been filed. *See* 35 Ill. Adm. Code 101.500(d). Although Rochelle Waste Disposal has not filed a response, it has indicated to Hearing Officer Halloran that it does not object to the granting of the motion, and that no formal response will be forthcoming. The Board finds that it is necessary and proper to decide this matter today, in part, to prevent undue delay.

The Board grants the City's motion, and grants the City until September 26, 2003, to file the record. The City must file the original and three copies of the record, but only the original of the Agency operating record of the existing facility, the sample of the composite line proposed for the facility, and a CD-ROM presentation dated March 4, 2003.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2003, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board