

ILLINOIS POLLUTION CONTROL BOARD
March 31, 1994

USA WASTE SERVICES, INC.,)
)
 Petitioner,)
)
 v.) PCB 94-92
) (Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. McFawn):

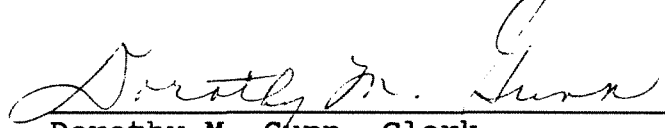
On March 18, 1994 USA Waste Services, Inc. (USA Waste Services) filed a petition for a variance for its Countryside Landfill, located in Lake County. Petitioner seeks a six month variance from the requirements of 35 Ill. Adm. Code 814.104(c). This Section requires landfill facilities to file an application for significant modification of an existing municipal solid waste landfill unit by September 18, 1994.

Under Section 104.124 of the Board's procedural rules, all variance petitions must include a request for hearing or, alternatively, a statement waiving hearing with supporting affidavits. (35 Ill. Adm. Code 104.124.) USA Waste Services has not included such a request for hearing or waiver of hearing. The petition is therefore found to be deficient.

USA Waste Services is hereby directed to supplement its petition with a request for hearing or a waiver of hearing with supporting affidavits within 45 days of this order. Failure to do so will subject this petition to dismissal. When, and if, such an amendment is filed, the timeclock for decision deadline under Section 38 of the Environmental Protection Act (415 ILCS 5/38(1992)) will begin anew.

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 31st day of March, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board