

ILLINOIS POLLUTION CONTROL BOARD
October 20, 2005

SILBRICO CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 06-11
)	(Variance – Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 19, 2005 Silbrico Corporation (Silbrico) filed a petition for variance with the Board. Silbrico seeks a variance from provisions of 35 Ill. Adm. Code Parts 810 through 817 to the extent that these parts require the disposal of Silbrico's industrial process waste and pollution control waste generated at a manufacturing facility located in Cook County in a nonhazardous waste landfill. Alternatively, Silbrico requests that the Board determine Silbrico's waste to be analogous to "clean construction and demolition debris" which can be disposed of in a "clean fill" facility.

On September 1, 2005, the Board issued an order identifying a number of deficiencies with the petition, and directing Silbrico to file an amended petition to address those deficiencies. The Board directed Silbrico to file an amended petition on or before October 3, 2005. On October 3, 2005, Silbrico filed a motion for an extension of time. Before the first motion was addressed, Silbrico filed a second motion for extension of time that was received by the Board on October 14, 2005.

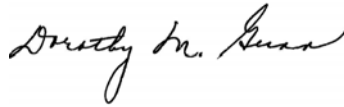
The first motion for extension of time being moot, the Board now considers the motion filed on October 14, 2005. In the motion, Silbrico asserts that the process of gathering the information necessary to file an amended petition has taken longer than expected, and requests that the deadline for filing the amended petition be extended until October 24, 2005. Mot. at 1. Silbrico contends it will suffer prejudice if an extension is not granted, and that neither the public nor the Agency will be prejudiced if an extension is granted. *Id.* Silbrico asserts that the Agency has no objection to the requested extension. *Id.*

Motions for extension of time may be granted for good cause shown after notice to the opposite party. *See* 35 Ill. Adm. Code 101.522. The Board finds that Silbrico has shown good cause for the extension, and notified the Agency as required by Board regulation. Further, no prejudice will result if an extension of time to file the amended petition is given. Accordingly, the motion for extension is granted. An amended petition addressing the informational deficiencies identified in the Board's September 1, 2005 order must be filed on or before October 24, 2005. As previously noted, the decision deadline will be calculated from the date

the amended petition is filed. *See* 35 Ill. Adm. Code 104.228; *see also* 35 Ill. Adm. Code 104.232(a)(2).

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 20, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board