

ILLINOIS POLLUTION CONTROL BOARD

January 10, 2008

IN THE MATTER OF:)
)
PETITION OF BFI WASTE SYSTEMS OF) AS 08-5
NORTH AMERICA, INC. FOR WASTE) (Adjusted Standard – Land)
DELISTING)

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

On November 21, 2007, BFI Waste Systems of North America, Inc. (BFI), filed an adjusted standard petition (Pet.) to delist landfill leachate generated at the closed Phase I Unit of BFI's Davis Junction Landfill in Davis Junction, Ogle County. As the adjusted standard is proposed, according to the petition, management of the leachate at the landfill would continue to be governed by the Illinois Resource Conservation and Recovery Act (RCRA) Post-Closure Permit, but BFI would be allowed to transport and dispose of the leachate as a non-hazardous Illinois special waste. Pet. at 1. BFI seeks this relief under Section 28.1 of the Environmental Protection Act (Act) (415 ILCS 5/28.1 (2006)), Part 104 of the Board's procedural rules (35 Ill. Adm. Code 104), and Section 720.122 of the Board's hazardous waste management system regulations (35 Ill. Adm. Code 720.122). BFI requests that a public hearing be held on its petition. Pet. at 25.

The Act requires petitioner to publish notice of the petition's filing by advertisement in a newspaper of general circulation in the area likely to be affected by the proposed adjusted standard. See 415 ILCS 5/28.1 (2006); see also 35 Ill. Adm. Code 104.408(a). Publication must take place within 14 days after the petition is filed. The newspaper notice must indicate that any person may cause a public hearing to be held on the proposed adjusted standard by filing a hearing request with the Board within 21 days after publication. See 415 ILCS 5/28.1(d)(1) (2002); 35 Ill. Adm. Code 104.408(b). Within 30 days after filing the petition, petitioner must file a certificate of publication with the Board. See 35 Ill. Adm. Code 104.410. On December 10, 2007, BFI filed a certificate of publication, documenting that the required notice of the petition was published on November 28 and 29, 2007, in *The Rockford Register Star*. The Board finds that BFI has met the notice requirements of the Act and the Board's procedural rules.

The Board accepts the waste delisting petition for hearing. See 35 Ill. Adm. Code 104.422. The Agency recommendation must be filed by February 25, 2008. See 35 Ill. Adm. Code 104.416. The Board, through orders of its own or its hearing officer, may direct BFI to provide additional information concerning its request prior to or at hearing.

Along with its petition, BFI filed a motion (Mot.) to file a reduced number of copies (original document plus four copies) of the Weaver Boos Technical Support Document, which is Attachment 1 to the petition. See 35 Ill. Adm. Code 101.302(h) (original document plus nine copies generally required). The motion explains that the attachment is especially voluminous ("approximately six inches of materials, contained in two separate three-ring binders"). Mot. at

1. No response has been filed to the motion, which is granted. *See* 35 Ill. Adm. Code 101.500(d).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant, Clerk
Illinois Pollution Control Board