

ILLINOIS POLLUTION CONTROL BOARD
April 17, 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 to delist landfill leachate generated at the closed Phase I Unit of BFI's Davis Junction Landfill in Davis Junction, Ogle County. On January 10, 2008, the Board accepted BFI's petition for hearing and on March 28, 2008, the Illinois Environmental Protection Agency (IEPA) filed its recommendation that the Board deny the adjusted standard request. By hearing officer order, a hearing is presently scheduled in this case for May 15, 2008, with any pre-filed testimony due to be received by the Board no later than May 6, 2008.

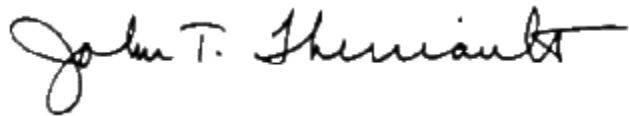
On April 14, 2008, BFI filed a response to the Agency's recommendation. According to the response, BFI and IEPA have had further discussions since IEPA prepared the recommendation. Response at 1. BFI states that as a result of those discussions, BFI has drafted amendments to the adjusted standard language proposed in the November 21, 2007 petition. BFI "believes these amendments satisfy the concerns raised in the Agency's recommendation." *Id.*

Accompanying BFI's April 14, 2008 response is a motion. BFI moves the Board to accept for consideration BFI's amendatory adjusted standard language, which is attached to the motion. The Board grants BFI's motion. The Board does so today, before expiration of the 14-day response time, to avoid any undue delay given the pending hearing. *See* 35 Ill. Adm. Code 101.500(d).

Finally, in light of the representations made in these most recent filings of BFI, the Board directs IEPA to provide the Board with IEPA's final position on the relief requested in this matter before the record closes.

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 April 17, 2008, by a vote of 4-0.



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