

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 2003

BYRON SANDBERG, )  
)  
Petitioner, )  
)  
v. ) PCB 04-33  
) (Third-Party Pollution Control Facility  
) Siting Appeal)  
THE CITY OF KANKAKEE, ILLINOIS )  
CITY COUNCIL, TOWN AND COUNTRY )  
UTILITIES, INC., and KANKAKEE )  
REGIONAL LANDFILL, L.L.C., )  
)  
Respondents. )

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WASTE MANAGEMENT OF ILLINOIS, )  
INC., )  
)  
Petitioner, ) PCB 04-34  
) (Third-Party Pollution Control Facility  
) Siting Appeal)  
v. )  
)  
THE CITY OF KANKAKEE, ILLINOIS )  
CITY COUNCIL, TOWN AND COUNTRY )  
UTILITIES, INC., and KANKAKEE )  
REGIONAL LANDFILL, L.L.C., )  
)  
Respondents. )

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COUNTY OF KANKAKEE, ILLINOIS, and )  
EDWARD D. SMITH, KANKAKEE )  
COUNTY STATE'S ATTORNEY, )  
) PCB 04-35  
) (Third-Party Pollution Control Facility  
) Siting Appeal)  
v. ) (Consolidated)  
)  
)  
THE CITY OF KANKAKEE, ILLINOIS )  
CITY COUNCIL, TOWN AND COUNTRY )  
UTILITIES, INC., and KANKAKEE )  
REGIONAL LANDFILL, L.L.C., )  
)  
Respondents. )

ORDER OF THE BOARD (by N.J. Melas):

Today's order concerns a motion filed by the City of Kankakee (City) on October 23, 2003, to waive the necessity of filing 1,700 pounds of rock core samples with the Board.

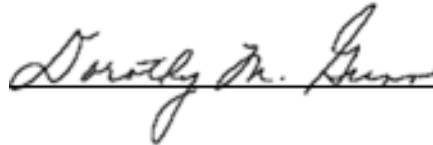
The City granted the application of Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. (Town & Country) to site a pollution control facility in Otto Township, within the City's limits. Mr. Sandberg filed a petition for review of the City's decision on September 18, 2003. Waste Management and the County of Kankakee filed their petitions on September 22, 2003. Section 107.304 of the Board's procedural rules requires the local siting authority to file the record of proceedings including all evidence presented or relied on during the hearing process within 21 days after the Board accepts the matter for hearing. 35 Ill. Adm. Code 107.304.

As part of the record in the local hearing process, Town & Country filed with the City approximately 1,700 pounds of rock core samples. The City asks the Board to waive the necessity of filing the rock core samples. The City contends the transportation of the rock core samples to the Board is unnecessary unless the Board desires to inspect them. The City contends it will retain the samples until the final disposition of this matter.

The Board finds the City's motion for waiver deficient. In its motion, the City does not request a waiver from any section of the Board's procedural rules, nor does the City indicate whether the record contains any physical, geological, or other description, written or photographic, of the rock core samples. The Board defers ruling on the motion until the City provides: (1) citation to the Board's procedural rules from which it seeks a waiver; and (2) whether the record contains a description of the rock core samples, including a citation to the record where such a description can be found.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2003, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board