

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

CONCERNED CITIZENS OF)
WILLIAMSON COUNTY, AND REV. PAUL)
CRAIN AND ROSE ROWELL, AS)
MEMBERS OF CONCERNED CITIZENS)
OF WILLIAMSON COUNTY, AND)
INDIVIDUALLY,)

Petitioners,)

v.)

PCB 96-60
(Landfill Siting Review)

BILL KIBLER DEVELOPMENT CORP.,)
a/k/a KIBLER DEVELOPMENT CORP.,)
AND THE WILLIAMSON COUNTY BOARD)
OF COMMISSIONERS FOR AND IN)
BEHALF OF THE COUNTY OF)
WILLIAMSON IN THE STATE OF)
ILLINOIS,)

Respondents.)

ORDER OF THE BOARD (by G. T. Girard):

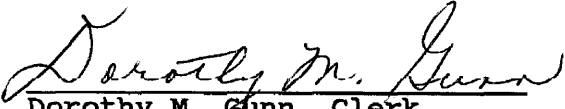
This matter is before the Board on a motion to dismiss filed by the respondent, Kibler Development Corporation (Kibler), on June 26, 1995. On October 6, 1995, the Board received a response to the motion to dismiss filed by petitioners. Kibler argues that the Board lacks jurisdiction to review this matter. Kibler maintains that because Williamson County failed to act, there is "nothing whatever to review". Therefore, Kibler is asking that the Board dismiss the petition for lack of jurisdiction.

Petitioners argue that Williamson County's failure to vote on the application "had the legal effect of final action which could only be reviewed" by the Board. Therefore, petitioners argue that the motion to dismiss should be denied.

The Board has held that it has jurisdiction to review a nonaction by a governing body. (See Stephen A. Smith, et al. v. City of Champaign et al. (PCB 92-55, 135 PCB 303, (August 13, 1992); and Board of Trustees of Casner Township v. County of Jefferson (PCB 84-175 and 84-176 (Cons.) (January 10, 1985 and April 4, 1995).) Therefore, the Board finds that it has jurisdiction to review this matter. The motion to dismiss is denied.

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 17th day of October, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board