

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1992

LAND AND LAKES COMPANY, JMC)	
OPERATIONS, INC., and NBD)	
TRUST COMPANY OF ILLINOIS)	
AS TRUSTEE UNDER TRUST NO.)	
2624EG,)	
)	
Petitioners,)	
)	
v.)	PCB 92-25
)	(Landfill Siting)
)	
VILLAGE OF ROMEOVILLE,)	
)	
Respondent,)	
)	
COUNTY OF WILL, and)	
PEOPLE OF THE STATE OF)	
ILLINOIS,)	
)	
Intervenors.)	

ORDER OF THE BOARD (by B. Forcade):

Currently before the Board are 1) a February 18, 1992 motion for leave to identify additional materials to be incorporated from PCB 91-7 by Land and Lakes Company, JMC Operations, Inc., and NBD Trust Co. of Illinois, as Trustee under Trust No. 2624EG ("Land and Lakes"), 2) a February 26, 1992 motion to dismiss filed by the Village of Romeoville ("Romeoville"), 3) a February 26, 1992 petition for leave of Will County to intervene filed by the States Attorney of Will County, and 4) a March 6, 1992 response of Land and Lakes to Romeoville's motion to dismiss and the petition to intervene.

Land and Lakes' Motion for Leave to Identify Additional Materials to be Incorporated

In its motion, Land and Lakes requests that the testimony of Kevin Standbridge in PCB 91-7, found at C9035-9272 of the record in PCB 91-7, be included in the materials to be incorporated into this proceeding. Land and Lakes also requests that this Board waive the requirement that Land and Lakes file four copies of the material with the Board. The Board hereby grants the motion.

Petition for Leave of Will County to Intervene

In the petition for leave to intervene, the State's Attorney for Will County argues, in part, that 1) Will County participated at the hearing before the Village of Romeoville; 2) Will County, "pursuant to explicit statutory authority has adopted and had in

force at all relevant time, a solid waste management plan, ...effective within the Village of Romeoville; 3) Will County has a delegation agreement with the Illinois Environmental Protection Agency for inspections and enforcement of the Environmental Protection Act and Board regulations; 4) Will County has an interest in the siting of such a facility within the county based on its interest in protecting the health and environment for the People of Will County; 5) that most of the land around the facility is in unincorporated Will County and subject to its police power; 6) Romeoville has an annexation agreement, which provided for siting review and revenue considerations, and this agreement and Romeoville's findings may inadequately represent the interests of the People of Will County; and 7) that the People of Will County will be affected and bound by this Board's determination.¹

In response, Land and Lakes incorporates the arguments made in its February 19, 1991 motion to reconsider and its March 12, 1991 reply to Will County's response to the motion to reconsider, both of which were filed in PCB 91-7. In addition, Land and Lakes argues that the State's Attorney's arguments are irrelevant to the current petition to review because this case concerns only Romeoville's vote on remand from PCB 91-7, which vote only concerned the need for the proposed regional pollution control facility.

For the reasons set forth in our February 7, 1991 Order in PCB 91-7, the Board hereby grants the motion to intervene entered by the State's Attorney for Will County.

Motion to Dismiss

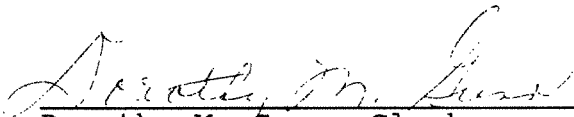
Although Land and Lakes has filed a response to Romeoville's motion to dismiss, the State's Attorney of Will County did not have standing, until our ruling on the motion to intervene above, to file a response. Accordingly, the Board will reserve ruling on the motion to dismiss until the time for response has run, as calculated from today's grant of the motion to intervene.

IT IS SO ORDERED.

J. Anderson and J. Theodore Meyer dissented.

¹These arguments are the same arguments that Will County presented in its January 16, 1991 petition for leave to intervene in PCB 91-7.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11th day of March, 1992, by a vote of 5-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board