

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

CITIZENS FOR CONTROLLED LANDFILLS)
)
Petitioner,)
) PCB 91-89
v.)
)
LAIDLAW WASTE SYSTEMS (BELLEVILLE))
INC. AND ST. CLAIR COUNTY BOARD,)
)
Respondents.)

THE YMCA OF SOUTHWEST ILLINOIS,)
)
Petitioner,)
)
v.) PCB 91-90
) (consolidated)
LAIDLAW WASTE SYSTEMS (BELLEVILLE)) (Land Siting Review)
INC. AND ST. CLAIR COUNTY BOARD,)
)
Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board by Laidlaw Waste Systems (Belleville) Inc., ("Laidlaw") motion filed on June 12, 1991. In this filing, Laidlaw asserts that Petitioner YMCA should pay the costs of certifying the record on the county level pursuant to the mandate of Ill. Rev. Stat. ch. 111-1/2, par. 1039.2(n). The YMCA filed its response on June 17, 1991, and asserted that Laidlaw did not have standing to make this claim and, further, that it is a citizens group within the meaning of Section 39.2(n) of the Act. We hold today that the provisions of Section 39.2 does not, as yet, confer jurisdiction upon the Board to make a finding as to what constitutes a "citizen's group" and, accordingly, we dismiss this motion.

Section 39.2(n) of the Act states:

In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure, as now or hereafter amended, shall apply.

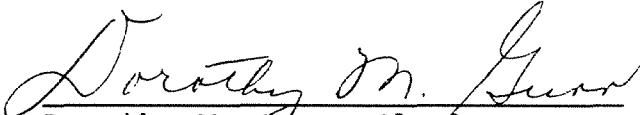
In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.

In fact, a review of 39.2 in its entirety reveals that this portion of the Act sets out the requirements and procedures a county or local governing body must follow in relation to the siting process. We are persuaded that a determination of whether petitioner YMCA is a citizens group is not ripe for a determination before this Board. If the Board were to have jurisdiction over this matter, it would only be subsequent to a finding by the county board. Since no such decision has been rendered, we will deny this motion.

As a final note, the county of St. Clair filed a motion on June 27, 1991 seeking to waive the mandatory triplicate filing of certain exhibits. The Board grants this motion and notes that the county is preparing to file the record notwithstanding the issue as to what party should pay costs.

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 11th day of July, 1991 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board