

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2002

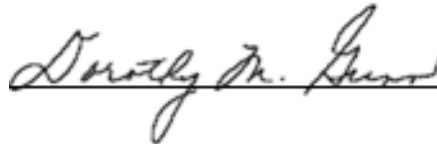
ESG WATTS, INC. (Sangamon Valley)	
Landfill), an Iowa corporation,)	
)	
Petitioner)	
)	
v.)	PCB 00-160
)	(Permit Appeal - Land)
ILLINOIS ENVIROMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 2, 2002, the Board received the mandate from the Appellate Court Fourth District in this matter. The court reversed the Board's decision in this proceeding finding that the Board had jurisdiction. The court stated that "we reverse and remand to the Board for hearing on the sufficiency of the insurance policy." ESG Watts, Inc., v. PCB, no. 4-00-0861 (4th Dist. Dec. 2001). Therefore this matter shall proceed to hearing. Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner. Petitioner has the burden of proof. 415 ILCS 5/40(a)(1) (2000); *see also* 35 Ill. Adm. Code 105.112(a).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 16, 2002, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board