

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

RICHARD WORTHEN, CLARENCE BOHM,)
HARRY PARKER, GEORGE ARNOLD, CITY)
OF EDWARDSVILLE, CITY OF TROY,)
VILLAGE OF MARYVILLE, and VILLAGE)
OF GLEN CARBON,)

Petitioners,)

v.)

VILLAGE OF ROXANNA and LAIDLAW)
WASTE SYSTEMS (MADISON), INC.,)

Respondents.)

PCB 90-137
(Landfill Siting
Review)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a motion to dismiss parties to this appeal, filed by respondent Laidlaw Waste Systems (Madison), Inc., (Laidlaw) on August 10, 1990. Laidlaw seeks to dismiss four of the petitioners in this case. Those four petitioners who are the subject of the motion to dismiss--Richard Worthen, City of Troy, Village of Maryville, and Village of Glen Carbon (collectively, petitioners) filed their answer to the motion on August 22, 1990.

Section 40.1(b) of the Environmental Protection Act (Act), Ill.Rev.Stat. 1989, ch. 111 1/2, par. 1040.1(b), which governs this appeal, provides that this Board shall hear the appeal of any third party who participated in the local hearings and is so located as to be affected by the proposed facility. Laidlaw asks that the Board dismiss the petitioners because they are not located so as to be affected by the proposed facility.¹ In support of this claim, Laidlaw states that: 1) the City of Troy is located 7.5 miles from the proposed facility, and its municipal water supplies are over 9 miles from the proposed facility; 2) the Village of Maryville is located 6.2 miles from the proposed facility, and its municipal water supplies are 5.2 miles from the proposed facility; 3) the City of Glen Carbon is 3 miles from the proposed facility, and its municipal water supplies are 5.7 miles from the proposed facility, and the City of Edwardsville is located between the proposed facility and Glen Carbon; and 4) Richard Worthen lives in the City of Alton, which is located 6.5 miles to the northwest of the proposed facility. Therefore, Laidlaw asserts that these

¹ Laidlaw does not contend that the petitioners did not participate at the local level. As the Board noted in its August 9, 1990 Order in this case, it appears that the petitioners did indeed participate in the hearing below.

petitioners are not located so as to be affected by the proposed facility, and must be dismissed.

The Board will not rule upon the motion to dismiss at this time, but will take the motion with the case. The Board believes that there is insufficient information before it at this time to determine whether or not the petitioners are so located as to be affected by the proposed facility. The parties shall address this motion at the hearing and in their briefs. The Board notes that it has previously addressed the issue of a complainant's standing in Valessares v. The County Board of Kane County, 79 PCB 106 (PCB 87-36, July 16, 1987).

Finally, on August 29, 1990, the Village of Roxanna filed a motion to file a reduced number of copies of certain exhibits in the record. Although the Board would prefer that all three of the Board's offices have copies of all exhibits available for Board and staff review, the Board will grant the motion.

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 30th day of August, 1990, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board