

ILLINOIS POLLUTION CONTROL BOARD  
April 16, 1987

A.R.F. LANDFILL CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 87-34  
 )  
 VILLAGE OF ROUND LAKE PARK )  
 AND LAKE COUNTY, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by J. Anderson):

In its Order of March 19, 1987, the Board noted that:

"A.R.F.'s siting application appeal states that the proposed facility "... would be partially located in Round Lake Park. That part of the proposed site that would not be located in Round Lake Park would be located in unincorporated Lake County" (Appeal, 2). Because a portion of the facility is located in unincorporated Lake County, this Board is uncertain whether Lake County is a necessary party to this proceeding, under Section 39(c) of the Act which controls jurisdiction for siting applications...

The Board has not been briefed on what role, if any, Lake County should have in this process. Consequently, the Board, on its own motion, will join Lake County as a party respondent for purposes of determining whether Lake County is a necessary party. Any party, including Lake County, may file motions and briefs opposing or supporting this joinder not later than April 10, 1987."

On April 10, Lake County filed a motion [in support of] joinder; the Village of Round Lake Park filed a similar motion on April 13. On April 10, A.R.F. filed a motion to exclude Lake County as a party. As each of these "motions" is a response to the Board's Order, which articulates each parties position, and as 30 days of the Board's 120 day period for hearing and decision have already elapsed, the Board will not delay decision to await additional comments by the parties.

The pleadings before the Board indicate that in order to resolve the issues presented in this appeal, the Board may well

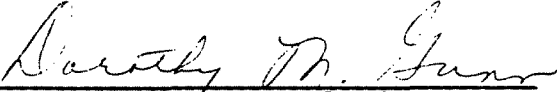
be required to make factual findings concerning actions and positions taken by Lake County in determining the correctness of actions taken by the Village.

The Board believes that participation by Lake County as a party which can speak by and for itself rather than as a witness which can speak only for and through another party will develop a superior record upon which to base the Board's determination of what appear to be novel issues. The Board continues to find that Lake County is a necessary party respondent. A.R.F.'s motion to exclude Lake County is therefore denied, and the motions of the County and Village for joinder are granted.

IT IS SO ORDERED.

J. T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16<sup>th</sup> day of April, 1987, by a vote of 5-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board