

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1987

LEE R. SIEGFRIED, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-192  
 )  
 HERMAN L. BEASLEY and ALEXANDER )  
 COUNTY BOARD OF COMMISSIONERS, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board on a November 5, 1986, petition to contest site-location suitability approval granted to Herman L. Beasley by the Alexander County Board of Commissioners ("Alexander County Board"). Hearing was held December 29, 1986, at which time a stipulation signed by all parties was submitted to the Board.

The stipulation calls for the October 2, 1986, decision of the Alexander County Board to be vacated and the application of Herman Beasley to be remanded to the Alexander County Board. The Board accepts those portions of the stipulation where the parties agree that the October 2, 1986, decision of the Alexander County Board be vacated, that this matter be remanded to the Alexander County Board for appropriate action, and that all further proceedings be in strict compliance with Section 39.2 of the Environmental Protection Act ("Act"). Any subsequent siting decisions concerning this landfill will be appealable in a separate and new proceeding before this Board.

To the extent that the stipulation may be construed as establishing a hearing date (in paragraph 4) which may be inconsistent with the requirements of Section 39.2(d), that paragraph is not accepted. The Board cannot, by accepting this stipulation, relieve the applicant or the County Board of any of the statutory application, notice and hearing requirements. Any future requests for site-location suitability approval must be in complete accord with Section 39.2. The parties to the stipulation are particularly directed to the notice provisions for application and hearing which must be strictly followed in order to vest the County Board, and this Board, with jurisdiction in this matter. See The Kane County Defenders, Inc., et al. v. The Pollution Control Board, et al., 487 N.E.2d 743 (1985) and MIG Investments, Inc. and United Bank of Illinois v. EPA and PCB, No. 2-85-734 (2nd Dist. October 15, 1986).

As the October 2, 1986, decision of the Alexander County Board of Commissioners is vacated by stipulation of the parties; there is no longer a reviewable County Board siting decision before this Board. Therefore, this matter is dismissed.

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 8<sup>th</sup> day of January, 1987, by a vote of 6-0.

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