

ILLINOIS POLLUTION CONTROL BOARD
January 27, 1983

BROWNING FERRIS INDUSTRIES, INC.,)
)
) Petitioner,)
)
) v.)
)
 LAKE COUNTY BOARD OF SUPERVISORS,) PCB 82-101
)
) Respondent,)
)
) and)
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Intervenor.)

ORDER OF THE BOARD (by J. Anderson):


On January 5, 1983, Lake County moved the Board to stay its December 2, 1982 Order affirming in part and reversing in part the County's decision to grant site location approval, with conditions, to "Winthrop Harbor/BFI Site #2". The County seeks a stay pending appeal of the Board's Order to the Appellate Court. The grounds for the motion are that BFI has sought Agency approval to accept special waste streams at the site, and that the County believes that such streams should not be accepted given the Board's reversal of the 12 of the County's "public health, safety and welfare" approval conditions. On January 19 and 20, 1983, the Agency and BFI filed responses in opposition to grant of stay, essentially arguing that no new evidence has been presented to the Board concerning likelihood of irreparable environmental harm, or of the County's likelihood of prevailing on the merits of its appeal.

The Board has disregarded information contained in the motion concerning waste streams to be directed to BFI Site #1 as irrelevant, as the Board's order relates to BFI Site #2 only. The motion for stay is denied.

IT IS SO ORDERED.

Board Chairman J. Dumelle dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27 day of January, 1983 by a vote of 4.



Christan L. Moffett, Clerk
Illinois Pollution Control Board