

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1981

JOHN PRIOR,)
)
Petitioner,)
)
v.) PCB 81-165
)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

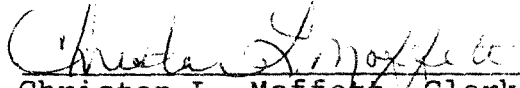
On November 12, 1981, the Governor signed SB 172, P.A. 82-06-82, "An Act relating to the location of sanitary landfills and hazardous waste disposal sites." A determination of the applicability and effect of SB 172 must be made before this action can proceed.

John Prior filed this appeal of permit denial to develop a solid waste disposal landfill on October 22, 1981. Prior's permit application was received by the Agency July 1, 1981, and was denied September 14, 1981. In his appeal and November 2, 1981 Motion for Summary Disposition, Prior indicates that the landfill is to be located in Jefferson County. As the Agency has not yet filed the record in this action, it is unclear whether or not it involves a regional pollution control facility as defined in Section 3(t) as newly amended by SB 172.

The parties are therefore directed to brief the issue of the applicability and effect of SB 172, briefs to be simultaneously filed on or before December 1, 1981. This short briefing schedule is necessary to allow either a prompt dismissal of this action, or expeditious decision by the Board within the statutory 90 day time period.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of November, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board