

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 2003

CITY OF KANKAKEE, )  
)  
Petitioner, )  
)  
v. ) PCB 03-125  
) (Third-Party Pollution Control Facility  
COUNTY OF KANKAKEE, COUNTY ) Siting Appeal)  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
)  
Respondents. )

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MERLIN KARLOCK, )  
)  
Petitioner, )  
)  
v. ) PCB 03-133  
) (Third-Party Pollution Control Facility  
COUNTY OF KANKAKEE, COUNTY ) Siting Appeal)  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
)  
Respondents. )

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MICHAEL WATSON, )  
)  
Petitioner, )  
)  
v. ) PCB 03-134  
) (Third-Party Pollution Control Facility  
COUNTY OF KANKAKEE, COUNTY ) Siting Appeal)  
BOARD OF KANKAKEE, and WASTE )  
MANAGEMENT OF ILLINOIS, INC. )  
)  
Respondents. )

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KEITH RUNYON,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-135
	)	(Third-Party Pollution Control Facility
	)	Siting Appeal)
COUNTY OF KANKAKEE, COUNTY	)	
BOARD OF KANKAKEE, and WASTE	)	
MANAGEMENT OF ILLINOIS, INC.	)	
	)	
Respondents.	)	

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WASTE MANAGEMENT OF ILLINOIS,	)	
INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 03-144
	)	(Pollution Control Facility
	)	Siting Appeal)
COUNTY OF KANKAKEE,	)	(Consolidated)
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On March 7, 2003, Waste Management of Illinois, Inc. (Waste Management) timely filed a petition asking the Board to review a January 31, 2003, decision of the County of Kankakee (County). *See* 415 ILCS 5/40.1(a) (2001); 35 Ill. Adm. Code 107.204. The County granted with conditions Waste Management's application to site a pollution control facility in Kankakee County.

Section 40.1(a) of the Environmental Protection Act (Act) (415 ILCS 5/40.1(a) (2002)) authorizes Waste Management's appeal to the Board. Waste Management appeals on the grounds that conditions 2(h) and 2(x) of the siting approval are not reasonable and necessary to accomplish the purposes of Section 39.2 of the Act (415 ILCS 5/39.2 (2002)) and are not supported by the record. Waste Management's petition meets the content requirements of 35 Ill. Adm. Code 107.208. The Board accepts the petition for hearing.

Waste Management has the burden of proof. 415 ILCS 5/40.1(a) (2002); *see also* 35 Ill. Adm. Code 105.506. Hearings will be based exclusively on the record before County. 415 ILCS 5/40.1(a) (2002). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.1(a) (2002)), which only Waste Management may extend by waiver (35 Ill. Adm. Code 107.504; *see also* 35 Ill. Adm. Code 101.308). If the Board

fails to take final action by the decision deadline, Waste Management “may deem the site location approved.” 415 ILCS 5/40.1(a) (2002). The decision deadline for ruling on this petition is July 5, 2003 (the 120th day after March 7, 2003). *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for June 19, 2003.

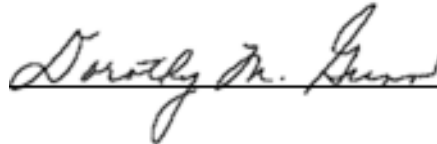
On March 6, 2003, the Board accepted for hearing four third-party appeals of the siting approval by the County. The Board on its own motion consolidated those cases. The Board also consolidates this case with those for the purposes of hearing. At this time the decision deadline in the consolidated cases is June 25, 2003, absent a waiver by Waste Management. The Board will proceed with all the cases using the June 25, 2003 decision deadline.

On March 7, 2003, Michael Watson and Keith Runyon filed amended petitions and on March 14, 2003, Michael Watson filed an exhibit to the amended petition. The Board accepts those amended petitions.

The County has already been directed to file the record in this proceeding and the matter has already been set for hearing. The hearing officer shall proceed as previously directed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board