ILLINOIS POLLUTION CONTROL BOARD
February 7, 1991

LAND AND LAKES COMPANY, JMC)
OPERATIONS, INC. and NBD)
TRUST COMPANY OF ILLINOIS,)
AS TRUSTEE UNDER TRUST)
NO. 2624EG,)
)
      Petitioners,)
)
      v.)   PCB 91-7
)   (Landfill Siting)
VILLAGE OF ROMEOVILLE,)
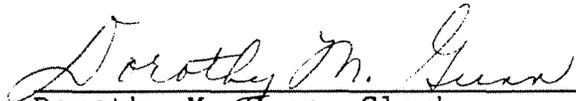)
      Respondent.)

ORDER OF THE BOARD (by B. Forcade):

      This matter comes before the Board on a motion for leave to intervene filed on February 4, 1991 by the Forest Preserve District of Will County, Illinois. In the alternative, the Forest Preserve District requests leave to cross appeal on the basis of statutory criteria found in Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1039.2. On January 28, 1991 Land and Lakes Company, JMC Operations, Inc. and NBD Trust Company of Illinois, as Trustee under Trust No. 2624EG, filed an objection to the motion to intervene. This response predates the motion, due to the motion's being lost in the mails prior to receipt by the Board.

      The motion of the Forest Preserve District of Will County is denied. The interests asserted by the Forest Preserve are primarily those of a third party objector, who is an adjacent landowner. This is not tantamount to the State's interest in intervention to protect the public welfare. It is well settled that objectors do not have standing to intervene or cross appeal in these circumstances, where siting approval has been denied. Waste Management of Illinois, Inc. v. Pollution Control Board, 160 Ill. App. 3d 434, 513 N.E.2d 592, 598 (2d Dist. 1987); McHenry County Landfill, Inc. v. Environmental Protection Agency, 154 Ill. App. 3d 89, 506 N.E.2d 372, 376 (2d Dist. 1987); see also Ill. Rev. Stat. 1989 ch. 111 1/2, par. 1040.1(b). The Forest Preserve may file an amicus curiae brief in this matter, limited to those issues raised in the proceedings below.

      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 _7ᵗʰ_ day of _February_ , 1991, by a vote of _6-0_ .

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