

ILLINOIS POLLUTION CONTROL BOARD

June 3, 1999

WEST SUBURBAN RECYCLING AND)	
ENERGY CENTER, L.P.,)	
)	
Petitioner,)	PCB 95-119
)	PCB 95-125
v.)	(Permit Appeal - Land, Air)
)	(Consolidated)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

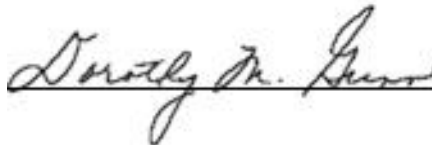
ORDER OF THE BOARD (by R.C. Flemal):

On May 14, 1999, the Board received a mandate issued May 13, 1999, by the Illinois Appellate Court First District in West Suburban Recycling and Energy Center, L.P. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, 1-96-3923, 1-96-4399 (consolidated), slip op. (1st Dist. November 16, 1998). The mandate was issued after the Illinois Supreme Court denied a petition for leave to appeal on March 31, 1999. The cases involved both land and air permits. In its Rule 23 order, the court affirmed the Board's remand of the land permit to the Agency with instructions to issue the permit. The court reversed the Agency's denial of the air permit (which denial the Board had affirmed). The court remanded "the matter to the [Board] with instructions to the Agency to issue the air permit" (slip op. at 33).

The Board hereby orders the Agency to issue the air and land permits consistent with the appellate court's mandate issued May 13, 1999.

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 3rd day of June 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board