ILLINOIS POLLUTION CONTROL BOARD
July 21, 1982

WASTE MANAGEMENT OF ILLINOIS, INC., a Delaware Corporation, Petitioner,	)	
v.	)	PCB 82-55
BOARD OF SUPERVISORS OF TAZEWELL COUNTY, Respondent.	)	

ORDER OF THE BOARD (by I. Goodman):

Waste Management of Illinois, Inc. (Waste Management) on July 8, 1982 filed a motion to exclude additional evidence and to conclude hearings in this matter. No response was filed.

At the July 1, 1982 public hearing held pursuant to Section 40.1(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, pars. 40.1(a), as amended by P.A. 82-572), the City of East Peoria (East Peoria) was granted leave to intervene by the Board's hearing officer, who also stated that East Peoria would be entitled to present further testimony, and then continued the hearing sine die. (R. 114, 117.) At that time both Petitioner and Respondent objected to intervention by East Peoria and the possibility that East Peoria be permitted to present new evidence. Waste Management's July 8th motion now seeks to conclude hearings in this matter and exclude presentation of any additional evidence by the intervenor, East Peoria.

East Peoria, having been granted the right to intervene, must accept the proceeding in the same posture as the original parties. Therefore, since the statutory deadline for decision in this matter is August 6, 1982 there is insufficient time to hold additional hearings as anticipated by the hearing officer's continuance. Waste Management's motion to conclude hearing is granted. As an intervenor, East Peoria is entitled to submit written arguments to the Board, as are the original petitioner and respondent, no later than July 30, 1982.

IT IS SO ORDERED.

Board Members J. Dumelle and D. Anderson dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of July, 1982 by a vote of 3-2.

Christan L. Moffett, Clerk
Illinois Pollution Control Board