

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1985

MCHENRY COUNTY LANDFILL, INC.)
)
 Petitioner,)
)
 v.)
)
)
COUNTY BOARD OF MCHENRY COUNTY,)
)
)
 Respondent.)

PCB 85-56

MCHENRY COUNTY LANDFILL, INC.,)
)
 Petitioner,)
)
COUNTY BOARD OF MCHENRY COUNTY)
)
 Respondent,)
)
 and)
)
VILLAGE OF HUNTLEY,)
)
 Respondent-Objector.)

PCB 85-61

MCHENRY COUNTY LANDFILL, INC.,)
)
 Petitioner,)
)
COUNTY BOARD OF MCHENRY COUNTY,)
)
 Respondent,)
)
)
LANDFILL EMERGENCY ACTION)
COMMITTEE)
)
 Respondent Objector.)

PCB 85-62

MCHENRY COUNTY LANDFILL, INC.,)
)
 Petitioner,)
)
COUNTY BOARD OF MCHENRY COUNTY)
)
 Respondent,)
)
)
 Respondent,)

PCB 85-63

and)
MCHENRY COUNTY DEFENDERS,)
Respondent-Objector.)

MCHENRY COUNTY LANDFILL, INC.,)
Petitioner,)
COUNTY BOARD OF MCHENRY COUNTY,)
Respondent,) PCB 85-64
and)
ARTHUR T. MCINTOSH & CO.,)
Respondent-Objector.)

MCHENRY COUNTY LANDFILL, INC.,)
Petitioner,)
COUNTY BOARD OF MCHENRY COUNTY,)
Respondent,) PCB 85-65
and)
VILLAGE OF LAKEWOOD,)
Respondent-Objector.)

MCHENRY COUNTY LANDFILL, INC.,)
Petitioner,)
COUNTY BOARD OF MCHENRY COUNTY)
Respondent,) PCB 85-66
and)
HUNTLEY FIRE PROTECTION DISTRICT)
Respondent-Objector.)

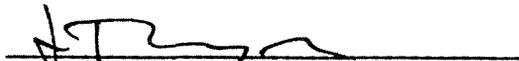
DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority opinion of the Board for the following reason:

The Board may spend funds only for purposes authorized by the Illinois General Assembly. Clearly the Legislature has not authorized the expenditure of funds for the purposes of paying for the transcripts of hearings held by the local government for the purposes of determining site suitability of regional pollution control facilities. Even though the Appellate Court in Town of Ottawa, et al, _____ Ill. App. 3rd _____ (Third District, No. 3-84-0158) ordered this Board to provide transcripts in such hearings, the General Assembly to date has not authorized the expenditure of these moneys. McHenry County may pursue their claim with the State of Illinois Court of Claims.

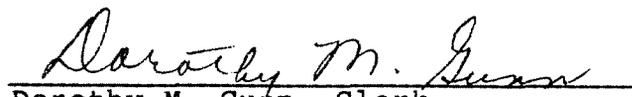
Until we receive such authorization of the General Assembly to spend these funds, either by supplemental appropriation or in our Annual Fiscal appropriation, we cannot spend these funds.

For this reason, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 30th day of May, 1985.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board