

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1989

McLEAN COUNTY DISPOSAL)	
COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 89-108
)	
THE COUNTY OF McLEAN,)	(Redocketed from
)	PCB 87-133)
Respondent.)	

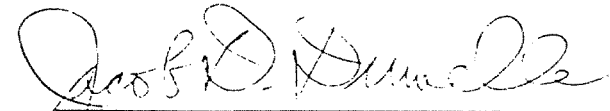
DISSENTING STATEMENT (by Messrs J. Dumelle and M. Nardulli):

Our dissenting votes are based upon two reasons.

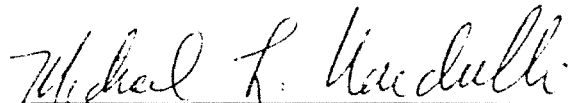
First, this case is a remand of PCB 87-133. To renumber and then to require a filing fee seems unfair to the Petitioner. It is and always has been and ongoing single case.

If the Petitioner does not pay the filing fee and the majority dismisses it as promised will the Petitioner then obtain its landfill permit by operation of law after 120-days have passed?

Second, the majority here has decided that the 120-day time period has restarted. The Board has had remands of different types of cases (i.e. variances and permit appeals) and has, we believe, not so held that the decision period restarts.

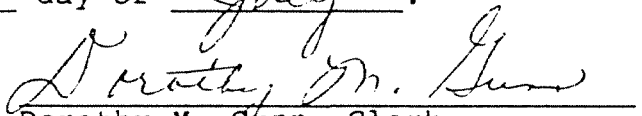


Jacob D. Dumelle
Board Member



Michael L. Nardulli
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Statement was submitted on the 18th day of July.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board