

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

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

DISSENTING OPINION (by J. Anderson and J.C. Marlin):

We dissent from today's Order in which the majority denies Land and Lakes Co., JMC Operations, Inc. and NBD Trust Company of Illinois, as Trustee under Trust No. 2624EG ("Land & Lakes") Motion for Certification of Interlocutory Appeal. We believe that: a) our February 7, 1991, and March 24, 1991 Orders involve a question of law as to which there is substantial ground for difference of opinion, and b) immediate appeal may materially advance the ultimate termination of the litigation. Accordingly, we would have granted Land & Lakes' Motion for Certification of Interlocutory Appeal and certified the following question for appeal:

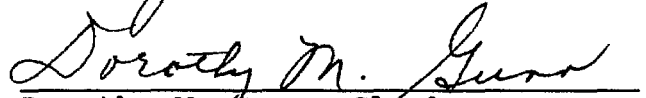
Whether the People of Will County, as represented by the State's Attorney of Will County, should be allowed to intervene in this landfill siting appeal, and does the Board's distinction between the State's Attorney, as a representative of the People of Will County, and the State's Attorney, as a representative of Will County (i.e. an entity of local government), bear upon the propriety of the Board's decision to grant intervention.

It is for these reasons that we respectfully dissent.


Joan G. Anderson


John C. Marlin

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 April, 1991.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board