

ILLINOIS POLLUTION CONTROL BOARD  
March 16, 1995

CONCERNED CITIZENS OF )  
WILLIAMSON COUNTY, AND REV. )  
PAUL CRAIN AND ROSE ROWELL, AS )  
MEMBERS OF CONCERNED CITIZENS )  
OF WILLIAMSON COUNTY, AND )  
INDIVIDUALLY, )

Petitioner, )

v. )

PCB 94-262  
(Landfill Siting Review)

BILL KIBLER DEVELOPMENT CORP., )  
a/k/a KIBLER DEVELOPMENT CORP., )  
AND THE WILLIAMSON COUNTY BOARD )  
OF COMMISSIONERS FOR AND ON )  
BEHALF OF THE COUNTY OF )  
WILLIAMSON IN THE STATE OF )  
ILLINOIS, )

Respondents. )

ORDER OF THE BOARD (by G. T. Girard):

On February 21, 1995, Kibler Development Corporation filed a request to reconsider or in the alternative to clarify the Board's January 19, 1995 opinion and order in this matter. On February 22, 1995, petitioners filed a motion asking the Board to reconsider certain matters. The Board's rules at Section 101.246(d) state that the Board will consider factors including, but not limited to "error in the decision and facts in the record which are overlooked". (35 Ill. Adm. Code 246.) The Board has reviewed the motions to reconsider and finds that neither party has pointed to any error in the Board's original decision nor presented new facts or arguments. Therefore, both motions for reconsideration are denied.

In its motion to clarify, Kibler Development states:

There is confusion in the air as to what precisely is to happen next at the County Board level if the Board's Order of January 19th stands without further explanation.

The Board believes that the January 19, 1995 opinion and order is correct and that remand is appropriate. (See Land and Lakes v. Romeoville, PCB 91-7, CBE v. McCook, PCB 92-201, and Zeman et al and Quilty v. Summit, PCB 92-174 and PCB 92-177 (consl.), Illinois Landfills, Inc. v. Pollution Control Board, 4-94-0041, (December 19, 1994) (slip.op.)) However, the parties express confusion as to how the statements of Mr. Kibler are to be included at the new public hearing. Therefore, the Board will

grant the motion to clarify.

The Board is aware that no official record exists regarding the statements made by Mr. Kibler and that a verbatim inclusion at the new public hearing will be impossible. However, the public hearing shall include a presentation, as nearly as practicable, of the statements made by Mr. Bill Kibler at the June 17, 1994 special meeting, as well as opportunity for questions concerning or rebuttal to, Mr. Kibler's statement. Mr. Bill Kibler shall attend the public meeting and be available to address potential questions concerning his statements of June 17, 1994. The Board will specify in more detail below what is to occur upon remand to the Williamson County Board. The following order shall replace the Board's January 19, 1995 order in this proceeding:

#### ORDER

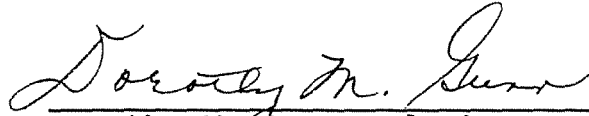
The August 23, 1994, decision of the Williamson County Board of Commissioners granting siting approval to Kibler Development Corporation, is hereby reversed and remanded as a result of a fundamentally unfair proceeding. Upon remand of this proceeding:

1. Williamson County shall provide notice of public hearing, and hold it in accordance with the provisions of Section 39.2 of the Act, including a presentation, as nearly as practicable, of the statements made by Mr. Bill Kibler at the June 17, 1994 special meeting, as well as opportunity for questions concerning or rebuttal to, Mr. Kibler's statement. Mr. Bill Kibler shall attend the public meeting and be available to address potential questions concerning his statements of June 17, 1994.
2. Williamson County shall provide for a post-hearing comment period as provided in Section 39.2 of the Act.
3. Williamson County's siting decision must be based on the entire record before it including the public hearing held pursuant to this order, in accordance with Section 39.2 of the Act.
4. Williamson County's siting decision shall be consistent with this order and the Board's January 19, 1995 opinion in this proceeding.
5. The 120 day statutory decision time begins 35 days after the date of this order. This docket is closed.

IT IS SO ORDERED.

Board Memeber Ronald C. Flemal dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16<sup>th</sup> day of March, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board