

ILLINOIS POLLUTION CONTROL BOARD
May 18, 1995

LARRY SLATES, LONNIE)
SEYMOUR, JAMES KLABER,)
FAYE MOTT, and HOOPESTON)
COMMUNITY MEMORIAL HOSPITAL,)

Petitioners,)

v.)

ILLINOIS LANDFILLS, INC., and)
HOOPESTON CITY COUNCIL, on)
behalf of the CITY OF)
HOOPESTON,)

Respondent.)

PCB 93-106
(Landfill Siting Review)

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

On May 2, 1994, the Board received a mandate from the Illinois Appellate Court Fourth District (Illinois Landfills, Inc. v. IPCB, et al, 4-94-0041, April 28, 1994), reversing and remanding the Board's September 23, 1993 order in this case. The Board's September 23, 1993 order reversed the City of Hoopeston's (City) decision granting site approval to Illinois Landfills, Inc. for expansion of a regional pollution control facility. The City's finding that the facility was necessary for only a portion of the service area, as defined by the application filed with the City, did not meet the need criteria (Section 39.2(a)(1) of the Act) according to the Board. The Court stated, in pertinent part:

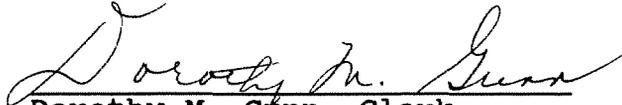
we remand the case to the Board for remand to the City for a complete finding on whether the proposed expansion is necessary to meet the waste needs of the proposed service area. The City's finding in this regard is to be based upon the existing record in the case. No new evidence as to the need for the facility need be taken or considered.

(Illinois Landfills, Inc. v. IPCB, et al, 4-94-0041, (April 28, 1994) at 17.)

Therefore, the Board remands this case to the City of Hoopeston for proceedings consistent with the Illinois Appellate Court Fourth District order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of May, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board