

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

CONCERNED CITIZENS OF WILLIAMSON)
COUNTY, and REV. PAUL CRAIN and)
ROSE POWELL, as members of the)
Concerned Citizens of Williamson)
County, and individually,)

Petitioners,)

v.)

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.)

PCB 94-262
(Landfill Siting Review)

DISSENTING OPINION (by R.C. Flemal):

I disagree with the majority regarding reconsideration. I believe that respondent's motion for reconsideration should have been granted. Moreover, upon reconsideration I would have reversed our ruling of January 19, 1995 and affirmed the Williamson County Board's decision to grant siting approval.

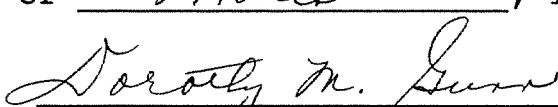
Although it is uncontested that ex parte contact between Bill Kibler and the Williamson County Commissioners occurred on June 17, 1994, I find nothing in the record that persuades me that conduct at that meeting rises to the level of reversible error. As the Board in its January 19 opinion correctly indicates, it is well established that ex parte contact is not grounds for reversal unless there is a showing of prejudice. Here there is simply no showing of prejudice.

For this reason I dissent.



Ronald C. Flemal
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the 16th day of March, 1995.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board