

ILLINOIS POLLUTION CONTROL BOARD
September 28, 1989

WALTONVILLE COMMUNITY UNIT)
SCHOOL DISTRICT NO. 1 AND)
THE JEFFERSON COUNTY BOARD)
OF REVIEW,)
)
Petitioners,)
)
v.) PCB 89-149
)
CONSOLIDATION COAL COMPANY)
AND THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondents.)

ORDER OF THE BOARD (by J. Marlin):

On September 19, 1989, the Board received a letter from the Waltonville Community Unit School District No. 1 ("Waltonville") objecting to the "removal of...[respondent Consolidation Coal Company's] coal preparation plant from the real estate rolls." On September 19, 1989 the Board also received a letter from the Jefferson County Board of Review ("Jefferson County") objecting "to the total removal of the...coal preparation plant."

The Board requests that Waltonville and Jefferson County inform the Board whether their letters are intended to be petitions to revoke certification of the coal preparation plant as a pollution control facility pursuant to Ill. Rev. Stat., ch. 120, Section 502(a)(c) et seq.

Additionally, the Board orders the parties to brief the issue of the Board's authority to entertain this petition at this time. Specifically, the Board requests the parties to address:

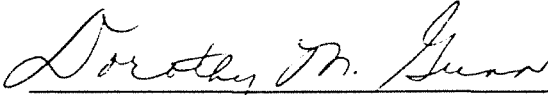
1. Whether the petition is premised on some particular action by a governmental agency, when that action occurred, under what authority the action occurred and whether this petition is timely filed; and
2. Whether there are any other issues affecting the Board's jurisdiction to hear this proceeding.

The parties shall file their initial brief with the Board no later than October 20, 1989. Each party may file a reply brief no later than October 27, 1989. The Board notes that it

determined in Reed Custer v. Commonwealth Edison and IEPA, PCB 87-209, (February 25, 1988) that the Board could entertain a third party petition and directs the parties to that opinion.

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 28th day of September, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board