

ILLINOIS POLLUTION CONTROL BOARD
October 11, 1990

JOHN SEXTON CONTRACTORS)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 88-139
)	(Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B. Forcade):

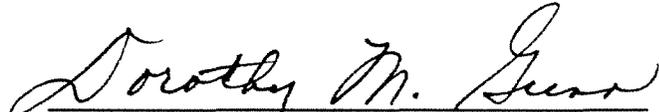
This matter comes before the Board on remand from the Illinois Appellate Court in the case of John Sexton Contractors Company v. Illinois Pollution Control Board and the Illinois Environmental Protection Agency, No. 1-89-1393 June 29, 1990. The Court reviewed the Board's decision affirming the imposition of certain conditions by the Illinois Environmental Protection Agency ("Agency") on the closure/post-closure care plan for a landfill in Lansing, Illinois operated by John Sexton Contractors Company ("Sexton"). Upon review the Board's decision was affirmed with respect to conditions numbered 4 and 19(b) and the matter was remanded with respect to conditions numbered 6 and 17.

The Court found that the record was unclear as to the Agency's basis supporting the imposition of conditions 6 and 17. The Board was directed to conduct further hearings and proceedings "at which the Agency will have the opportunity to rebut Sexton's claim that the wastes are not in the landfill or to establish an independent basis supporting the necessity of special conditions 6 and 17." Op. at p. 17.

This matter is set for hearing. Hearing is to be scheduled as expeditiously as possible. The hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, and all actual exhibits to the Board within 5 days of hearing. Any briefing schedule shall provide for final filings as expeditiously as possible.

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 11th day of October, 1990, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board