

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1988

REED-CUSTER COMMUNITY UNIT)
SCHOOL DISTRICT NO. 255-U,)
)
) Petitioner,)
))
) v.) PCB 87-209
))
COMMONWEALTH EDISON COMPANY)
and THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
) Respondents.)

ORDER OF THE BOARD (by B. Forcade):

On December 31, 1987, Reed-Custer Community Unit School District No. 255-U ("Reed-Custer") filed a petition to revoke certification of pollution control facility No. 21RA-Ill-WPC-85-15. The Board presumes this petition is filed with the Board pursuant to authority granted the Board by Ill.Rev.Stat., Ch. 120, Section 502(a)(1) et seq.

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

1. Whether the Board can entertain a third party petition in this matter and how this issue may be affected by Landfill, Inc. v. PCB, 387 N.E.2d 258 (1978);
2. 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
3. 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 not later than January 26, 1988. Each party may file a reply brief not later than February 1, 1988. In addition to the filing at the Board's offices, a copy of each brief shall be mailed to the downstate Board members at the following offices:

Dr. Ronald Flemal
Illinois Pollution Control Board
P.O. Box 505
DeKalb, IL 60115

Dr. John Marlin
Illinois Pollution Control Board
104 West University Avenue
Urbana, IL 61801

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 7th day of January, 1988, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board