

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1988

RICK MOORE, ELEANOR MORRIS and)
LEONARD MORRIS,)
)
Petitioners,)
)
v.) PCB 88-24
)
WAYNE COUNTY BOARD and)
DAUBS LANDFILL, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by B. Forcade):

On February 14, 1988, the Wayne County Board filed a motion for extension of time to file the record below. That motion is granted and the Wayne County Board is directed to file the record not later than March 17, 1988.

In addition, the Board, on its own motion, directs the parties to file briefs on a recent development in this and a related case. On February 19, 1988, the Fifth District Court of Appeals rendered an Opinion in Daubs Landfill v. IPCB, et. al., (Slip Opinion February 19, 1988), [this was an appeal of PCB 86-197] which remands a previous Wayne County landfill siting decision involving Daubs landfill to this Board for further consideration. Thus, it would appear the Board may have two proceedings involving a landfill siting dispute between Wayne County and Daubs pending at the same time. This raises several questions for the Board and the Board directs the parties to file briefs responding to the following questions:

1. Whether these two proceedings involve the same facility, and if so, what are the differences between the two proceedings ?
2. Whether the Board has authority to entertain two proceedings involving the same facility at the same time ?; and
3. If the Board cannot entertain two such proceedings, which proceeding should be disposed of, and how ?

The parties are directed to file briefs responsive to these questions not later than March 17, 1988.

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 25th day of February, 1988, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board