

ILLINOIS POLLUTION CONTROL BOARD  
March 22, 1985

CONCERNED NEIGHBORS FOR A BETTER )  
ENVIRONMENT, )  
                                          Petitioner, )  
AND NICK POKRAJAC, INC. )  
                                          Intervenor. )  
                                          ) )  
                                          v. )                   PCB 84-173  
                                          ) )  
COUNTY OF ROCK ISLAND and BROWNING- )  
FERRIS INDUSTRIES OF IOWA INC., )  
                                          ) )  
                                          Respondents. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a February 27, 1985 joint stipulation between petitioner, respondents, and intervenor. [While a petition for intervention was filed with the Board on February 21, 1985, intervention had already been granted by the hearing officer at the February 19, 1985 Pollution Control Board (Board) hearing]. An amended stipulation was filed on March 13, 1985. Browning-Ferris Industries has waived the Board decision period.

Before the Board addresses the stipulation, it would point out that landfill siting proceedings are quasi-judicial in nature, replete with the attendant rules of evidence. Furthermore, an adjoining landowner is entitled to written notice of the applicant's request but only general (published) notice of the county hearing, pursuant to Section 39.2 of the Environmental Protection Act (Act), Ill. Rev. Stat. 1983, ch 111 1/2, par. 1039.2

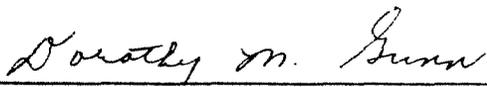
The Board usually has three options: dismissal, reversal with remandment, and reversal. In this case, dismissal is not proper because it would have the effect of affirming the county board decision. Reversal and remandment to the county board would be incorrect because it would not cure the lack of written notice to the intervenor. The parties by their amended stipulation correctly choose the third option: that the Board reverse the county board's decision with no remandment. This option would be executed by a final Order which would dispose of the Board's jurisdiction.

Based on the stipulation of all parties to the controversy, the Board hereby reverses the county board decision which granted site location suitability approval. This terminates the Board's jurisdiction in this matter.

The applicant may initiate new proceedings pursuant to Section 39.2 of the Act.

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 22<sup>nd</sup> day of March, 1985 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board