

ILLINOIS POLLUTION CONTROL BOARD
October 15, 1987

WASTE MANAGEMENT OF ILLINOIS,)
INC., a Delaware Corporation,)
)
Petitioners,)
)
v.) PCB 87-75
)
LAKE COUNTY BOARD,)
)
Respondent.)

ORDER OF THE BOARD (by R.C. Flegal):

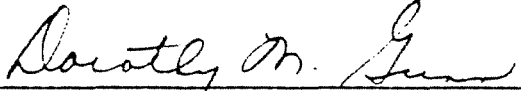
On October 1, 1987, A.R.F. Landfill Corporation ("A.R.F.") filed a motion entitled Motion to Dismiss Waste Management's Appeal for Improper Notice, Lack of Property Interest, and Lack of Jurisdiction. On October 8, 1987, Waste Management of Illinois, Inc. filed its Motion to Strike A.R.F.'s Motion to Dismiss.

Pursuant to Board Order of July 16, 1987, A.R.F. was not conferred status as a party or intervenor in this proceeding. Rather, A.R.F. was allowed to appear and participate at hearing as an interested person, whose appearance was limited solely to the provisions of Sections 40.1(a), 32, and 33(a) of the Environmental Protection Act. The above provisions were intended to offer the public and interested persons opportunity to participate through testimony and/or written statements, and were not intended to allow the public or interested persons to participate through motion practice, discovery procedures, the filing of briefs, or any of the other activities which are generally reserved for persons who have status as parties. Since A.R.F. is not a party to this proceeding, it does not have standing to move for dismissal of the appeal at issue in this matter. Therefore, the Board will not consider A.R.F.'s Motion to Dismiss Waste Management's Appeal for Improper Notice, Lack of Property Interest, and Lack of Jurisdiction from the record.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of October, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board