

ILLINOIS POLLUTION CONTROL BOARD
September 24, 1987

McLEAN COUNTY DISPOSAL)
COMPANY, INC.,)
)
Petitioner,)
)
vs.) PCB 87-133
)
THE COUNTY OF McLEAN,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on two motions filed September 17, 1987 by the County of McLean (County). The first motion seeks an extension of time for filing the report of proceedings, certificate of record on appeal, and transcript (collectively, the record). The second motion asks that the Board waive the filing of seven copies of the transcript and permit the County to file just one copy.

In its motion for extension of time to file the record, the County notes that on September 4, 1987, the Board ordered the County to file the record within 21 days. The County states that it has retained three court reporters to transcribe the proceedings before the County Board, but contends that none of the court reporters will be able to submit the full transcript within the 21-day schedule. Affidavits of the three court reporters are attached, which state that the original transcript will most likely exceed 3000 pages, and that 45 days are needed to prepare and deliver the transcript. Thus, the County asks that the Board extend the time for filing the record for 45 days from the date of the motion.

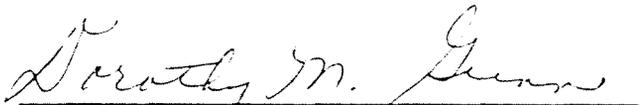
The Board will grant in part the motion for extension of time. A 45-day extension would make the record due on November 2, 1987. However, the Board hearing in this matter is scheduled for October 29, 1987. The Board notes that the County states that it does not anticipate that an extension of time would require a waiver of the decision deadline. It is necessary, however, that the record be filed in advance of the Board hearing. Given the short statutory deadline for decision of this case, the hearing must be held on October 29, as scheduled. Therefore, the County is granted until October 15, 1987, to file the record. The extension is final and the record must be filed on or before that date.

Additionally, the Board notes that the fact that the proceedings apparently have not been transcribed raises the issue of whether the transcripts of the proceedings were available to the full County Board for consideration before the final vote on the landfill siting application. The Board recently addressed the issue of availability of transcripts in Ash v. Iroquois County Board (PCB 87-29), decided July 16, 1987. In order that the Board may have a complete record before it, the parties are ordered to address, at hearing, the questions of whether each County Board member attended each hearing, and whether a transcript of the proceedings was available before the final vote of the County Board. It should also be determined whether a roll call of County Board members was taken at each hearing. The Board hearing officer is to ensure that these issues are addressed at the hearing. The parties shall also discuss the ramifications of the answers to these questions, in light of the Board's decision in Ash, in their briefs. A copy of the Ash opinion is attached to this order.

In its motion for waiver of the filing of seven copies of the transcript, the County states that the estimated cost of preparing seven copies is \$29,070, while only \$7,371.90 remains in the application fee account. Thus, the County asks to be allowed to file only one copy of the transcript. However, seven copies of the transcript are required so that the Board may properly consider this case. Therefore, the motion for waiver is denied. The Board notes that the County may file clear photocopies of the original transcript: it is not necessary to purchase seven copies from the court reporting service.

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 24th day of September, 1987, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board