ILLINOIS POLLUTION CONTROL BOARD
June 10, 1982

WASTE MANAGEMENT OF ILLINOIS, INC., a Delaware Corporation, Petitioner,	)	
v.	)	PCB 82-55
BOARD OF SUPERVISORS OF TAZEWELL COUNTY, Respondent.	)	

ORDER OF THE BOARD (by I. Goodman):

On June 3, 1982 a joint motion for reconsideration of the Board's May 27, 1982 Order in this matter was filed. On that same day, Petitioner filed a motion requesting opportunity for oral argument on the joint motion. The motion for oral argument is denied. The joint motion for reconsideration is granted.

The joint motion requests that no public hearing in this Section 40.1 appeal be held. Petitioner and Respondent argue that pursuant to that Section the record is complete and limited to that developed at the county public hearing and that an additional public hearing will serve no purpose. The Board disagrees and will require that a public hearing, presided over by its hearing officer, be held. The mandate of the Illinois Environmental Protection Act as a whole and since its inception, has been to provide the public access and input into Board proceedings. The hearing conducted at the local government level in this matter was not a Board proceeding. A public hearing is now necessary to provide the public access in this Section 40.1 appeal. The public hearing noticed for June 21, 1982 is continued until July 1, 1982 or as soon thereafter as possible. Additionally, the parties are directed to concurrently brief their legal arguments and submit these no later than June 24, 1982.

Also on June 3, 1982 the parties entered a joint motion requesting that the Board limit the record on appeal to those documents already filed, and stipulated to by the parties. The parties may between themselves stipulate the record, but the motion to so limit the record before the Board is denied. The record will consist of the public hearing record, those documents already filed by the parties, and those submitted at the public hearing, as statutorily permitted under Section 40.1.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of June, 1982 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board