

ILLINOIS POLLUTION CONTROL BOARD  
April 3, 1986

CITY OF COLUMBIA, WALTER BYERLEY, JR., )  
BARBARA HEINLEIN; DANIEL HEINLEIN; )  
HOMER STEMLER AND LORETTA STEMLER, )  
 )  
Petitioner, )  
 )  
v. ) PCB 85-177  
 )  
 )  
COUNTY OF ST. CLAIR AND BROWNING- )  
FERRIS INDUSTRIES OF ILLINOIS, INC., )  
 )  
Respondents. )

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BROWNING-FERRIS INDUSTRIES OF )  
ILLINOIS, INC., )  
 )  
Petitioner, )  
 )  
v. ) PCB 85-220  
 )  
 )  
COUNTY OF ST. CLAIR, ILLINOIS, )  
 )  
Respondent. )  
 )  
and )  
 )  
 )  
CITY OF COLUMBIA, JEAN ECKERT, )  
MARCELLUS ECKERT, LANNY JACKSON, )  
VICKY JACKSON, HARRY RAYMOND, )  
PATRICIA RAYMOND, HOMER STEMLER )  
AND LORETTA STEMLER, )  
 )  
Intervenors. )

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CITY OF COLUMBIA, JEAN ECKERT, )  
MARCELLUS ECKERT, LANNY JACKSON, )  
VICKY JACKSON, HARRY RAYMOND, )  
PATRICIA RAYMOND, HOMER STEMLER )  
AND LORETTA STEMLER )  
 )  
Petitioners, )  
 )  
v. ) PCB 85-223  
 ) (Consolidated)  
 )  
 )  
COUNTY OF ST. CLAIR AND BROWNING- )  
FERRIS INDUSTRIES OF ILLINOIS, INC., )

Respondents. )  
)

JAMES JOHO AND TOM D. ADAMS APPEARED ON BEHALF OF THE CITY OF COLUMBIA, ET AL;

JOHN BARICEVIC, STATE'S ATTORNEY, APPEARED ON BEHALF OF THE COUNTY OF ST. CLAIR; AND

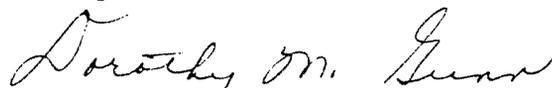
FRED C. PRILLAMAN (MOHAN, ALEWELT, AND PRILLAMAN) APPEARED ON BEHALF OF BROWNING-FERRIS INDUSTRIES OF ILLINOIS, INC.

CONCURRING OPINION (by J. Theodore Meyer):

I concur with the order in the above entitled case. I agree with the majority opinion in their decision that the County lacked jurisdiction to consider BFI's application due to notice deficiency. Having decided that the County does not have jurisdiction in this matter, the rest of the Opinion is moot.

  
J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 15<sup>th</sup> day of April, 1986.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board