

ILLINOIS POLLUTION CONTROL BOARD

December 16, 1982

WASTE MANAGEMENT OF ILLINOIS,)
)
 Petitioner,)
)
 v.)
)
COUNTY BOARD OF WILL COUNTY,)
)
 Respondent.)

PCB 82-141

ORDER OF THE BOARD (by J. Anderson):

On December 13, 1982, Waste Management of Illinois filed an appeal of the December 2, 1982 decision of the County Board of Will County to deny regional pollution control facility site location approval pursuant to SB 172, §39.2 of the Act. The facility was proposed to be constructed in Section 31, Joliet Township, to receive general, special and hazardous wastes (which would be an extension of and contiguous to the adjoining ESL Landfill).

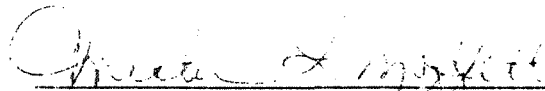
As the Will County Board alone can verify and certify what exactly is the entire record before it, in the interest of protecting the rights of all parties to this action, and in order to satisfy the intention of SB 172, Will County must be the party to prepare and file the record on appeal. The Board suggests that guidance in so doing can be had by reference to Rule 502(a)(4) of the Board's Procedural Rules and to Rules 321 through 324 of the Illinois Supreme Court Rules. In addition to the actual documents which comprise the record, the County Board Clerk shall also prepare a document entitled "Certificate of Record On Appeal" which shall list the documents comprising the record. Two copies of the certificate and the record shall be filed with the Board, and a copy of the certificate shall be served upon the petitioner. As these requirements have not previously been stated, the County Board Clerk is given 21 days from the date of this Order to "prepare, bind and certify the record on appeal" (Ill. Supreme Court, Rule 324).

The Board reminds the parties that SB 172 provides that "if there is no final action by the Board within 90 days, petitioner may deem the site location approved". As the Board construes this provision as allowing for waiver (or extension) of this

deadline only by petitioner, delay in the filing of the "record on appeal" could prejudice respondent. Hearing may be scheduled and noticed pending the filing of the record, but it shall in no event be held until 10 days after the record has been filed with the Board.

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 16th day of December, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board