

ILLINOIS POLLUTION CONTROL BOARD
January 9, 1986

CITY OF COLUMBIA, WALTER BYERLY, JR.,)	
BARBARA HEINLEIN, DANIEL HEINLEIN;)	
HOMER STEMLER AND LORETTA STEMLER,)	
)	
Petitioners,)	
)	
v.)	PCB 85-177
)	and
COUNTY OF ST. CLAIR AND BROWNING-)	PCB 85-223
FERRIS INDUSTRIES OF ILLINOIS, INC.,)	
)	
Respondents.)	
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BROWNING-FERRIS INDUSTRIES OF)	
ILLINOIS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 85-220
)	(Consolidated)
COUNTY OF ST. CLAIR, ILLINOIS)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

As noted in the Board's Order of December 20, 1985, in PCB 85-177, that docket is a third party appeal involving BFI's June 27, 1985 request to St. Clair County for site location suitability approval pursuant to Section 39.2 for a new regional pollution control facility; the issue there is whether the County's decision to deny on November 25 was timely made, based on whether a 120 or a 180 day decision deadline applies.

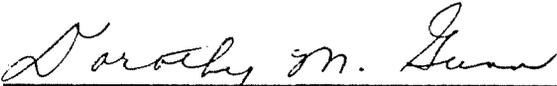
PCB 85-220 is BFI's appeal asserting, alternatively, that a) the November 25 denial was untimely and that its request may be "deemed approved", b) the County's decision that criteria 1 and 2 were not met was against the manifest weight of the evidence, and 3) the County's proceedings were fundamentally unfair. PCB 85-223 is a cross appeal by the City and others who assert they had participated at the County hearings and are situated so as to be affected by the proposed facility. The subject of their cross appeal is whether a) the proceedings were fundamentally unfair, and b) the County's failure to deny on the basis of the remaining criteria was against the manifest weight of the evidence.

These three cases are hereby consolidated. The Board reiterates its intention, assuming briefs are timely filed, of attempting to resolve the issue of whether the 120 vs. 180 days

decision period applies to this application as a matter of statutory construction.

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 9th day of January, 1986, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board