

ILLINOIS POLLUTION CONTROL BOARD
March 7, 1985

JANET HOESMAN and BYRON HOESMAN)
)
) Petitioners,)
)
) v.) PCB 84-162
)
) CITY COUNCIL OF THE CITY OF URBANA,)
) ILLINOIS and THE CITY OF URBANA,)
) ILLINOIS)
)
) Respondents.)

STATEMENT FOR THE RECORD (by J. Marlin):

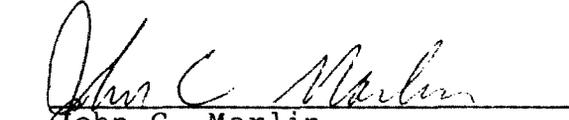
As the reviewing body in this case, the Board can only overturn the City's decision if it is against the manifest weight of the evidence. The record before the Board is weak in many respects and consists largely of assertions on the part of the applicant and opponents. Given the constraints of the law, I cannot conclude that the City Council's decision should be overturned. The Council was clearly aware of the concerns of the residents who live near the landfill site and has promised to take specific steps to resolve conflicts and minimize the impact of the landfill.

I believe that the hearing before the City on the City's application was as fair as possible under the circumstances and that the additional proceeding before the Plan Commission helped focus attention on the controversy rather than prejudice the position of the opponents.

In this case, the lack of sworn testimony before the City Council is a serious error. While such an error can create a prejudicial situation, I do not believe this occurred in this case and no participant claimed otherwise. Therefore, I see no useful public purpose being served by reversing the City on this point. Such action would simply lead to another expensive hearing with little chance of a changed outcome.

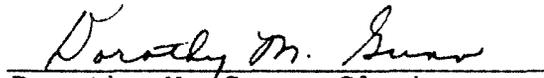
The siting law places elected city and county officials in an unfamiliar quasi-judicial role which requires them to follow unique procedures. Where possible the Board should make allowances for inadvertent error by the hearing body or participants where no prejudice has been alleged or is clearly evident. To do otherwise, would make an awkward situation worse.

It should be noted that regardless of the Board's action, the applicant will be able to take steps to use the subject site as a non-regional landfill serving Urbana only.



John C. Marlin
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Statement For the Record was filed on the 11th day of March, 1985.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board