

ILLINOIS POLLUTION CONTROL BOARD  
November 19, 1981

ZYX DIXON CORP., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-167  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

FINAL ORDER OF THE BOARD (by J. Anderson):

Lee County's November 12, 1981 petition for leave to intervene is granted. The Agency's November 10 motion for extension of time in which to file its Record is granted, said Record having been filed on November 18, 1981.

On November 12, 1981, the Governor signed SB 172, P.A. 82-06-82, "An Act relating to the location of sanitary landfills and hazardous waste disposal sites." The act states that "no permit for the development or construction of a new regional pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of said facility has been approved by the County Board...if [the facility is to be located in] an unincorporated area." A "new regional pollution control facility" is one "initially permitted for development or construction after July 1, 1981."

ZYX filed an appeal of permit denial on October 27, 1981. In its appeal, ZYX states that the facility is located in unincorporated Lee County, and that it anticipates accepting waste from facilities located in Illinois, not necessarily restricted to Lee County. ZYX first applied for its permit July 13, 1981, which permit was denied October 8, 1981.


It appears to the Board that, consistent with SB 172, a permit for this facility cannot be issued without Lee County's approval. Of course, at the time of the filing and processing of this permit application, neither the applicant nor the Agency could have addressed this issue and fulfilled statutory duties first defined November 12, 1981.

A determination of the applicability and effect of SB 172 must be made before this action can proceed. The parties are therefore directed to brief the issue of the applicability of SB 172, briefs to be simultaneously filed on or before December 1,

1981. This short briefing schedule is necessary to allow either a prompt dismissal of this action, or expeditious decision by the Board within the statutory 90 day time period.

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 19<sup>th</sup> day of November, 1981 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board