

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 1982

MILO AND/OR BRADEN M. LAMBERT,            )  
d/b/a LAMBERT CONSTRUCTION CO.,         )  
  )  
  )            Petitioners,            )  
  )  
  )            v.                         )            PCB 82-47  
  )  
SALINE COUNTY BOARD,                     )  
  )  
  )            Respondent.            )

DISSENTING OPINION (by D. Anderson):

Section 39.2(a) of the Act reads as follows:

The county board...shall approve the site location...only in accordance with the following criteria:

1. the facility is necessary to accommodate the waste needs of the area it is intended to serve;
2. the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
4. the facility is located outside the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation, or the site is flood-proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by that Department;
5. the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
6. the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

In its letter of denial to the Environmental Protection Agency, dated March 19, 1982, the Saline County Board stated:

"The Board of Commissioners at a regular meeting dated March 18th., 1982 voted not to accept the proposed site due to it not being centrally located to meet the needs of all the people of Saline County.

"The Saline County Board feels Lambert has met all other required EPA standards and have no other objections except the afore mentioned location."

On page 21 of the testimony before the Pollution Control Board, Mr. Bill Endsley, Jr., Chairman of the Saline County Board was asked and answered a question, as follows:

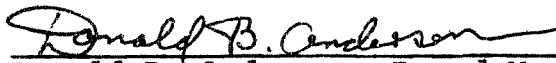
"Q....May I assume from your testimony since you had knowledge of the six criteria that you had no objection to his landfill site based on any of these criteria; that your sole objection as you stated in your letter was because it wasn't in a central part of the county?

"A. As the letter stated, yes, I stand by what the letter stated."


Locating a facility centrally in a county, while it might be convenient for the people of that county, is not of sufficient importance to merit denial of the site. Nowhere in the six criteria that are to be considered is mention made that a site must be centrally located.

Furthermore, it was noted in Petitioner's summation that a sanitary dump site that has been used by the County recently is two-tenths of a mile further from Harrisburg than the proposed site.

The Saline County Board has found that the facility meets the criteria of Section 39.2(a). Ordering them to reconsider at this point defeats the purpose of the time limitations on action by the County Board, and by this Board. What happens if the County Board again objects on grounds not contained in Section 39.2(a)? Will this result in another appeal and remand?

  
Donald B. Anderson, Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Dissenting Opinion was filed on the 30<sup>th</sup> day of September, 1982.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board