

ILLINOIS POLLUTION CONTROL BOARD  
March 8, 1984

BROWNING-FERRIS INDUSTRIES	)	
OF ILLINOIS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 82-101
	)	
LAKE COUNTY BOARD OF SUPERVISORS,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Intervenor.	)	

ORDER OF THE BOARD (by J. Anderson):

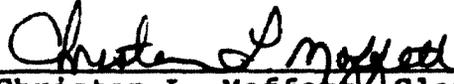
On December 12, 1983, the Second District Appellate Court issued its Opinion and Order in County of Lake v. IPCB, 120 Ill. App. 3d 89, 457 N.E. 2d 1309 (1983), which Opinion and Order were forwarded by the Clerk of that Court to the Board on February 7, 1984. The Court, among other things, remanded to the Board for reconsideration Conditions C, E, H, K, and O and the second sentences of Conditions I and N imposed by the County in its site location suitability approval, which had been stricken by the Board on the grounds that the County lacked jurisdiction to impose them.

On February 27, 1984, Browning-Ferris (BFI) moved the Board to establish a briefing schedule, with BFI to file the opening brief. On March 1, 1984, Lake County filed its response in support, but requesting the right to file the opening brief.

The motion to set a briefing schedule is granted. As BFI is the petitioner at the Board level, who bears the burden of proof pursuant to Section 40.1(a) of the Act, BFI is directed to file the opening brief on or before April 9, 1984. Lake County shall file its response brief on or before May 9, 1984, and BFI shall file any reply thereto on or before May 23, 1984.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8<sup>th</sup> day of March, 1984 by a vote of 6-0.

  
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Christan L. Moffett Clerk  
Illinois Pollution Control Board