

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1985

BOARD OF TRUSTEES OF CASNER)
TOWNSHIP, JEFFERSON COUNTY)
ILLINOIS; CITIZENS AGAINST)
WOODLAWN AREA LANDFILLS;)
CYNTHIA CARPENTER; ERNEST)
CARPENTER; HATIE HALL; BYRON)
KIRKLAND; PATRICIA KIRKLAND;)
PEG O'DANIELL; RONALD)
O'DANIELL; DENNIS SHROYER;)
and PATRICIA SHROYER,)
)
Petitioners,)
)
v.) PCB 84-175
)
COUNTY OF JEFFERSON and)
SOUTHERN ILLINOIS LANDFILL)
INC.,)
)
Respondents.)
)
JOHN PRIOR,)
)
Petitioner,)
)
v.) PCB 84-176
) (Consolidated)
COUNTY OF JEFFERSON and)
SOUTHERN ILLINOIS LANDFILL,)
INC.,)
)
Respondents.)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on petitions filed November 29, 1984, and December 3, 1984, involving an application by Southern Illinois Landfill, Inc. ("Southern"), pursuant to Section 39.2 of the Environmental Protection Act, for site suitability for a proposed regional pollution control facility ("RPCF") made to the Jefferson County Board ("County Board").

Due to a deadlock of the County Board resulting in failure by the County to grant or to deny approval within 120 days of the filing of Southern's application, pursuant to Section 39.2(e) Southern was allowed to "deem the request approved."

Upon review of the County's proceedings in this matter, the Board has determined that certain procedural irregularities at

hearing rendered the County's proceedings "fundamentally unfair" pursuant to Section 40.1. The Board therefore finds that the applicant may no longer "deem the request approved" pursuant to Section 39.2(e), and the application is remanded to the County for further proceedings consistent with the Board's Opinion in this matter.

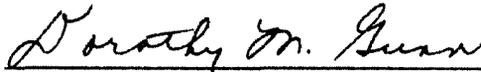
No Opinion accompanies this Order, due to the Board's inability to reach a consensus on the Opinion today. The Board anticipates issuance of an Opinion on April 4, 1985.

All motions pending before the Board not previously disposed of are denied.

IT IS SO ORDERED

B. Forcade and J. T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of March, 1985, by a vote of 4-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board