

ILLINOIS POLLUTION CONTROL BOARD  
May 1, 2003

WASTE MANAGEMENT OF ILLINOIS, INC.,	)	
	)	
	)	
Petitioner,	)	
	)	PCB 03-104
v.	)	(Pollution Control Facility Siting
	)	Appeal)
COUNTY BOARD OF KANE COUNTY, Illinois,	)	
	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by N.J. Melas):

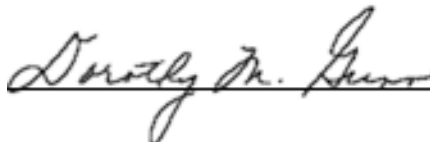
On April 16, 2003, the County Board of Kane County (Kane County Board) filed a motion to file a petition to enforce an ordinance and host community benefit agreement (agreement) between the Kane County Board and Waste Management of Illinois, Inc. (Waste Management). The agreement was executed as a result of negotiations between Waste Management and the Kane County Board regarding the proposed siting of a waste transfer facility in Kane County, the denial of which is the subject of this appeal by Waste Management. The Kane County Board now seeks to enforce the agreement between the parties that obligates Waste Management to pay the Kane County Board's attorney fees, totaling \$44,758.00.

This siting appeal is not the proper forum for the Kane County Board's claim. Waste Management's siting appeal to the Board is authorized by the Environmental Protection Act. *See* 415 ILCS 5/40.1(a) (2002). The same cannot be said of the Kane County Board's petition to enforce the agreement on attorney fees. Accordingly, the Board denies the Kane County Board's motion and does not accept the petition.

IT IS SO ORDERED.

Board Member D.C. Karpiel abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 1, 2003, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board