

ILLINOIS POLLUTION CONTROL BOARD

February 5, 2004

BYRON SANDBERG,)	
)	
Petitioner,)	
)	
v.	)	PCB 04-33
	)	(Third-Party Pollution Control Facility
	)	Siting Appeal)
THE CITY OF KANKAKEE, ILLINOIS)	
CITY COUNCIL, TOWN AND COUNTRY)	
UTILITIES, INC., and KANKAKEE)	
REGIONAL LANDFILL, L.L.C.,)	
)	
Respondents.)	

WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Petitioner,)	
)	
v.	)	PCB 04-34
	)	(Third-Party Pollution Control Facility
	)	Siting Appeal)
THE CITY OF KANKAKEE, ILLINOIS)	
CITY COUNCIL, TOWN AND COUNTRY)	
UTILITIES, INC., and KANKAKEE)	
REGIONAL LANDFILL, L.L.C.,)	
)	
Respondents.)	

COUNTY OF KANKAKEE, ILLINOIS, and)	
EDWARD D. SMITH, KANKAKEE)	
COUNTY STATE'S ATTORNEY,)	
)	
Petitioners,)	
)	
v.	)	PCB 04-35
	)	(Third-Party Pollution Control Facility
	)	Siting Appeal)
	)	(Consolidated)
THE CITY OF KANKAKEE, ILLINOIS)	
CITY COUNCIL, TOWN AND COUNTRY)	
UTILITIES, INC., and KANKAKEE)	
REGIONAL LANDFILL, L.L.C.,)	
)	
Respondents.)	

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

Today's order addresses a motion to supplement the record filed by the petitioner, County of Kankakee, Illinois and Edward D. Smith, Kankakee County State's Attorney (County), on January 21, 2004, and a response filed by respondent, Town and Country Utilities, Inc. (Town & Country), on January 27, 2004. As discussed below, the Board denies the County's motion to supplement the record.

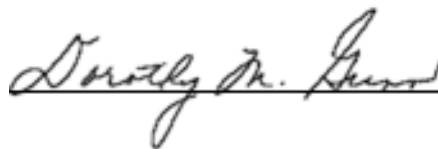
The County seeks to supplement the record in these consolidated siting appeals with testimony from recent local siting hearings regarding an application by Waste Management to expand its existing facility located in Kankakee County. The local siting hearings began on January 12 and continued at least through January 15, 2004. The testimony is that of Mr. Charles Norris, a professional geologist who testified on behalf of an objector to Waste Management's application. The County argues that Mr. Norris' testimony is directly relevant and would be helpful to the decisionmakers in this proceeding.

Town & Country argues that the Board is limited to reviewing the record of the siting proceedings held before the city council. Town & Country adds that the testimony the County seeks to add is neither correct, complete, nor in context.

The Environmental Protection Act (Act) clearly limits the record on appeal exclusively to the record before the local siting authority. Section 40.1 of the Act states that "no new or additional evidence in support of or in opposition to any finding, order, determination or decision of the appropriate county board or governing body of the municipality shall be heard by the Board." 415 ILCS 5/40.1 (2002). Accordingly, the Board denies the County's motion to supplement.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2004, by a vote of 4-0.

A handwritten signature in dark ink, appearing to read "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board