

ILLINOIS POLLUTION CONTROL BOARD  
December 6, 1991

LAND AND LAKES COMPANY, JMC	)	
OPERATIONS, INC., and NBD	)	
TRUST COMPANY OF ILLINOIS	)	
AS TRUSTEE UNDER TRUST NO.	)	
2624EG,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 91-7
	)	(Landfill Siting)
VILLAGE OF ROMEOVILLE,	)	
	)	
Respondent,	)	
	)	
COUNTY OF WILL, and	)	
PEOPLE OF THE STATE OF	)	
ILLINOIS,	)	
	)	
Intervenors.	)	

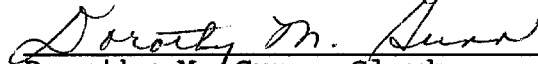
CONCURRING OPINION (by J. Anderson):

I agree with the reasoning of the majority's Supplemental Opinion. The Board's decision to remand arguably is not an unacceptable outcome, but given the particular circumstances in this case, I would have been more comfortable simply to hold that the siting is deemed approved. Romeoville did not make a valid decision within the statutory deadline in conformance with the mandates of Sections 39.2(a) and (e) of the Act, no matter how one speculates as to whether the Village Board's actions constituted approval or denial. Are we inappropriately giving Romeoville a second "bite of the apple"? This record makes it abundantly clear that Romeoville's decisionmaking process was driven by their desire to require Land and Lakes to restrict its service area to Will County although the decisionmakers knew that an appellate court had already held that this could not be a consideration in their decision.

It is for these reasons that I respectfully concur.

  
Joan G. Anderson

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 23rd day of December, 1991.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board