

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1998

LAND AND LAKES COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 99-69
)	(Pollution Control Facility
RANDOLPH COUNTY BOARD OF)	Siting Appeal)
COMMISSIONERS,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On November 23, 1998, petitioner filed an appeal of the denial of its petition for siting of its pollution control facility located in Randolph County, Illinois. The Board sets for hearing petitioner's appeal of the Randolph County Board of Commissioners decision which denied local siting approval for the Grande Prairie Pollution Control Facility.

Pursuant to Section 40.1(a) of the Environmental Protection Act (Act) (415 ILCS 5/40.1(a) (1996)), the hearing is to be based "exclusively on the record before the county board or governing body of the municipality." Although the Act does not specifically state who is required to file such record with the Board, the Board believes that the County of Randolph must prepare and file the record on appeal.

The record shall contain legible versions of all documents, transcripts, and exhibits deemed to pertain to this proceeding from initial filing through the including final action by the local government body. The record shall also contain the originals of all documents and shall be sequentially numbered, placing the letter "C" before the number of such page. In addition to the actual documents which comprise the record, the Randolph County Clerk shall also prepare a document entitled "Certificate of Record on Appeal" which shall be an index of the record that lists the documents comprising the record and shows the page numbers upon which they start and end. Seven copies of the certificate, seven copies of the transcript of the county hearing, and three copies of any other documents in the record shall be filed with the Board; a copy of the certificate shall be served upon the petitioner(s). The Randolph County Clerk is given 21 days from the date of this order to "prepare, bind and certify the record on appeal." See 155 Ill. 2d R. 324. If the record is not legible, sequentially numbered, or fails to include an appropriate index of record, the Clerk of the Board may refuse to accept the document for filing. For further guidance in preparing and filing the record on appeal, the county may refer to the Illinois Supreme Court Rules 321 through 324. See 155 Ill. 2d R. 321-324.

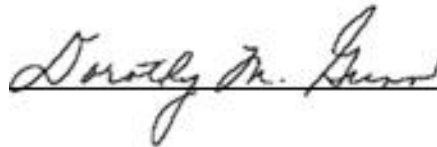
If the Board fails to act in 120 days as required by Section 40.1(a) of the Act (415 ILCS 5/40.1(a) (1996)), petitioner may deem the site location approved. A hearing on the

petition should be timely scheduled in order to allow the Board time to review the record and to render its decision within 120 days of the filing of the appeal. Petitioner may, however, waive the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105.

Petitioner filed a waiver to extend the decision deadline until June 4, 1999. This matter will be handled at the Board meeting preceding that date.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of December 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board