

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1992

INDUSTRIAL FUELS & RESOURCES/)
ILLINOIS, INC.,)
)
Petitioner,)
)
v.) PCB 90-53
) (Landfill Siting Review)
)
CITY COUNCIL OF THE CITY)
OF HARVEY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board upon remand from the first district appellate court. Industrial Fuels & Resources/Illinois, Inc. v. Illinois Pollution Control Board et al., No. 91-0144, (1st Dist. March 19, 1992). At the conclusion of its opinion, the appellate court stated:

[a]ccordingly, we reverse the decision of the Illinois Pollution Control Board. We hold that the site location in Harvey, Illinois shall be considered approved as required under Section 39(c) of the [Environmental Protection] Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1039(c)) and remand for whatever proceedings are necessary to complete the application process.

(Slip Op. at 27).

Section 39(c) of the Environmental Protection Act provides, in part, as follows:

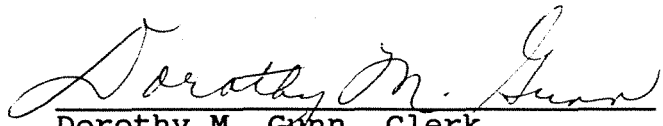
[e]xcept for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act no permit for the development or construction of a new regional pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of said facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area in which the facility is to be located in accordance with Section 39.2 of this Act.

We construe the appellate court's mandate to mean that the site location of Industrial Fuels & Resources/Illinois, Inc. (Industrial Fuel) is considered approved and that no further action by this Board or the City Council of the City of Harvey is

necessary. The presentation of this Order to the Agency shall suffice for purposes of Section 39(c) of the Act. Industrial Fuels is therefore free to proceed forward with the permitting process. The Board hereby closes this docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that on the above order was adopted on the 23rd day of June, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board