

ILLINOIS POLLUTION CONTROL BOARD

July 21, 2005

WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-186
)	(Pollution Control Facility
COUNTY BOARD OF KANKAKEE)	Siting Appeal)
COUNTY,)	
)	
Respondent.)	

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

On June 24, 2005, Keith Runyon (Runyon) filed a motion to intervene in the proceeding and asking that the Board “bar the County of Kankakee” from further participation in this proceeding. On July 1, 2005, Waste Management of Illinois, Inc. filed a motion to strike Runyon’s motion and on July 5, 2005, the County of Kankakee filed a response to Runyon’s motion. The Board denies Runyon’s motion. In an order dated August 19, 2004, denying a motion to intervene filed by Runyon, the Board noted that:

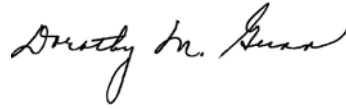
As indicated in the Board’s July 22, 2004 order in this matter, both the courts and the Board have consistently held that a third party cannot appeal or intervene in such a proceeding. *See* Lowe Transfer, Inc. v. County Board of McHenry County, PCB 03-221 (July 10, 2003); Waste Management v. County Board of Kane County, PCB 03-104, slip op. at 3 (Feb. 20, 2003); Land and Lakes Co., et al. v. Village of Romeoville, PCB 94-195, slip op. at 4 (Sept. 1, 1994); citing Waste Management of Illinois, Inc. v. PCB, 160 Ill. App. 3d 434, 513 N.E.2d 592 (2nd Dist. 1987); McHenry County Landfill, Inc. v. IEPA, 154 Ill. App. 3d 89, 506 N.E.2d 372 (2nd Dist. 1987). A third party may intervene only when the third party is a State’s Attorney or the Attorney General’s Office intervening to represent the public interest. *See, e.g.,* Land and Lakes, slip op. at 3.

Runyon has presented the Board with no new arguments to convince the Board to overrule the Board’s prior decision to deny intervention to Runyon. Accordingly, Runyon’s motion is denied. The Board notes that Runyon contributed oral statements at hearing in this matter in accordance with Sections 101.628 and 107.404 of the Board’s procedural rules. 35 Ill. Adm. Code 101.628(a), (b); 35 Ill. Adm. Code 107.404. Runyon also participated through public comments and *amicus curiae* briefs pursuant to Section 101.110(c), and in accordance with Section 101.628(c). 35 Ill. Adm. Code 101.110(c); 35 Ill. Adm. Code 101.628(c).

The Board denies Waste Management of Illinois, Inc.’s motion to strike as moot.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 21, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board