

ILLINOIS POLLUTION CONTROL BOARD  
April 6, 1989

WASTE MANAGEMENT OF ILLINOIS, INC.     )  
  )  
          Petitioner,                                    )  
  )  
          v.    )     PCB 88-190  
  )  
LAKE COUNTY BOARD.                                    )  
  )  
          Respondent.                                    )

CONCURRING OPINION (by J. Anderson and J. T. Meyer):

While we agree with the Order upholding the County's decision, we disagree with the accompanying Opinion insofar as it upholds the County on Criterion #1.

This Board, like the County, must base its determinations on the evidence in this record. Even applying the manifest weight of review standard, this record does not support the County's decision.


We note with particular concern that this Board's rationale for upholding the County seems to suggest that the County may, in the absence of any rebuttal testimony, exercise its discretion on Criterion #1 based on prior proceedings or on solid waste management goals that have yet to be implemented as plans (See Criterion #8).

For the foregoing reasons, we respectfully concur.

  
Joan G. Anderson

  
J. T. Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 21<sup>st</sup> day of April, 1989.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board