

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1981

JOHN PRIOR,)
)
Petitioner,)
)
v.) PCB 81-165
)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On November 19, 1981 the Board directed the parties to this action to brief the applicability to and effect of SB 172, P.A. 82-0682. The Agency filed its brief on December 1, 1981. In lieu of a brief, on November 30 Prior filed a motion to remand the appeal to the Agency for a 45 day period to allow for consideration of the effects of the statute.

As previously noted, on November 12, 1981, the Governor certified SB 172, P.A. 82-0682, "An Act relating to the location of sanitary landfills and hazardous waste disposal sites." The act states that "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 ...if [the facility is to be located in] an unincorporated area." A "new regional pollution control facility" is one "initially permitted for development or construction after July 1, 1981."

Prior's permit application was received by the Agency on July 1, 1981 and was denied September 14, 1981. This appeal was filed October 22, 1981. The solid waste disposal site is to be located in Jefferson County, but anticipates receiving wastes from counties other than Jefferson (Rec. Ex. A. 2 at 3). SB 172's local approval requirement for a "new regional pollution control facility" would then, by its terms, apply to the Prior site.

Prior's motion for remand is therefore denied as unnecessary. This appeal is hereby dismissed for all of the reasons stated in the Board's Order today in ZYX Dixon Corp. v. IEPA, PCB 81-167. The Clerk is directed to serve the parties with a copy of the ZYX Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3RD day of December, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board