

No. 106525

IN THE
SUPREME COURT OF ILLINOIS

COUNTY OF KANKAKEE, ILLINOIS, et al.,)

Movants,)

vs.)

Motion for supervisory order)

HON. WILLIAM E. HOLDRIDGE, Judge of)
the Appellate Court of Illinois, Third Judicial)
District, et al.)

Respondents.)

ORDER

This cause coming to be heard on the motion of the movant, an objection having been filed by the respondents, Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC, and the court being fully advised in the premises;

IT IS ORDERED that the motion for supervisory order is allowed. In the exercise of this Court's supervisory authority, the Appellate Court, Third District, is directed to vacate its judgment of April 24, 2008 in County of Kankakee, et al. v. Illinois Pollution Control Board, et al., No. 3-04-0271, 3-04-0285, 3-04-0289 (cons.). The appellate court is directed to reconsider the case, and if it finds that the second siting application was disapproved within the meaning of 415 ILCS 5/39.2(m), to determine whether the second application was substantially the same as the first application under the statute, acknowledging that the Pollution Control Board expressly did not reach this issue. If the appellate court then finds that the second siting application was properly filed, the appellate court is

directed to address the remaining issues raised by the parties to the appeal.

Order entered by the Court.

FILED

JUN 5 2008

SUPREME COURT CLERK