

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 2001

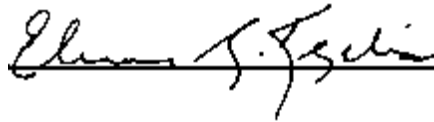
JERSEY SANITATION CORPORATION, an )  
Illinois corporation, )  
 )  
Petitioner, )  
 )  
v. ) PCB 00-82  
 ) (Permit Appeal – Land)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

DISSENTING OPINION (by E.Z. Kezelis):

I believe the majority's denial of the pending motion to strike and the request for evidentiary hearing is unduly precipitous in light of the information currently before us. Roughly two weeks elapsed between the deadline for filing the motion for reconsideration (August 1) and its receipt by the Board (August 14). If the pending motion for reconsideration was untimely, we would lack jurisdiction over it. Given the remarkable amount of time that elapsed between the filing deadline and our receipt, I would have directed the Illinois Environmental Protection Agency to provide greater specificity of the circumstances surrounding the mailing of the motion, such as the time and date of deposit and the location of the mailbox into which it was deposited. I believe this information must be provided before we can conclude that 35 Ill. Adm. Code 101.300(b)(2) was satisfied.

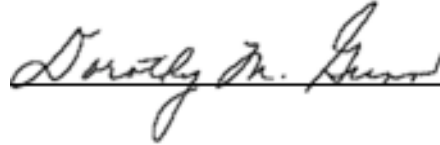
On the other hand, if, as the majority apparently concludes, the motion for reconsideration was timely, then I would grant it. *See Jersey Sanitation Corp. v. IEPA*, PCB 00-82 (June 21, 2001) (dissent).

For these reasons, I respectfully dissent from today's majority opinion.



Elena Z. Kezelis  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that I received the above dissenting opinion on the 20th day of September, 2001.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board