

ILLINOIS POLLUTION CONTROL BOARD
February 1, 1996

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
BELL SPORTS, INC., A CALIFORNIA)
CORPORATION, AND WASTE HAULING)
LANDFILL, INC., AN ILLINOIS)
CORPORATION, AND WASTE HAULING,)
INC., AN ILLINOIS CORPORATION,)
)
Respondents.)
)
_____)
)
WASTE HAULING LANDFILL, INC.,)
AN ILLINOIS CORPORATION, AND)
WASTE HAULING, INC., AN ILLINOIS)
CORPORATION,)
)
Cross-claimants,)
)
v.)
)
BELL SPORTS, INC. A CALIFORNIA)
CORPORATION,)
)
Cross-respondent.)

PCB 95-91
(Enforcement-Land)

ORDER OF THE BOARD (by C.A. Manning):

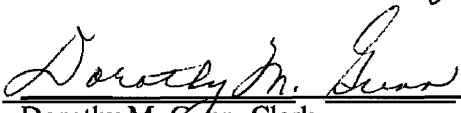
This matter comes before the Board on a motion to reconsider filed by Bell Sports, Inc. on January 11, 1996. The motion asks the Board to reconsider its December 7, 1995 decision denying Bell Sports' motion to dismiss the cross-claim of Waste Hauling Landfill, Inc. (WHLI) and Waste Hauling Inc. (WHI). WHLI and WHI request the Board to reconsider and reverse a non-final order on the grounds that the Board's December 7, 1995 order was in error and overlooked facts in the record. Finding no reason in the motion for reconsideration to change or otherwise reconsider our December 7, 1995 order, the motion is hereby denied.

The Board further notes that on September 11, 1995, WHLI/ WHI filed a claim against Bell Sports styled as a "counter-claim." A counter-claim is a claim presented by a defendant in opposition to or deduction from the claim of the plaintiff. (Black's Law Dictionary at 349 (6th

ed. 1990.) Alternately, a cross-claim is a claim brought by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. (Black's at 375.) After due consideration, the Board acknowledges that WHLI/WHI's September 11, 1995 claim against Bell Sports is a cross-claim since WHLI/WHI and Bell Sports are co-party respondents in the original complaint filed by the Illinois Attorney General on behalf of the People of the State of Illinois on March 14, 1995. This change is noted in the caption and shall be so noted in the future.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1st day of February, 1996, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board