

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1993

LARRY SLATES, LONNIE)
SEYMOUR, JAMES KLABER,)
FAYE MOTT, and HOOPESTON)
COMMUNITY MEMORIAL HOSPITAL,)

Petitioners,)

v.)

ILLINOIS LANDFILLS, INC., and)
HOOPESTON CITY COUNCIL, on)
behalf of the CITY OF)
HOOPESTON,)

Respondent.)

PCB 93-106
(Landfill Siting Review)

ORDER OF THE BOARD (by J. Theodore Meyer):

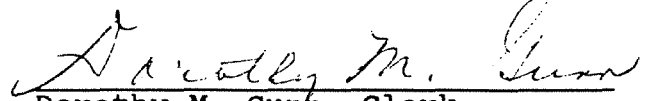
This matter is before the Board on petitioners' motion to amend their petition, filed July 30, 1993. Respondent Illinois Landfills, Inc. (ILI) filed a response in opposition to the motion on August 4, 1993.

Petitioners simply state that they move to amend their petition for review by filing an amended petition. Petitioners have not set forth any argument on the issue, nor have they explained in any way the differences between the original petition and the amended petition. ILI notes that the amended petition replaces the term "sole source aquifer" with the term "non-sole source aquifer", and adds new paragraphs 21-26. ILI objects to the amendment of the petition, stating that the new paragraphs are simply petitioners' version of hearing testimony, without cited references, and that amendment of the petition is not contemplated by the Board's rules and is not necessary.

Contrary to ILI's statement, the Board's procedural rules allow pleadings to be amended to conform to the proof. (35 Ill. Adm. Code 103.210(a).) It is not necessary to provide citations to the facts alleged in the new paragraphs, since the amended petition is not argument, but sets forth the claims made by petitioners. Those new paragraphs are simply allegations which must be subsequently supported by petitioners' brief. We grant the motion to file the amended petition.

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 5th day of August, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board