

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1993

ST. CLAIR COUNTY,)
)
Petitioner,)
)
v.) PCB 93-51
) (Landfill Siting Review)
VILLAGE OF SAUGET,)
VILLAGE OF SAUGET PRESIDENT)
and BOARD OF TRUSTEES, and G.J.)
LEASING COMPANY, INC., a)
corporation d/b/a CAHOKIA)
MARINE SERVICE,)
)
Respondents.)

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

This case is before the Board on respondent G.J. Leasing Company's May 7, 1993 motion to dismiss and motion for sanctions. None of the other parties in this case have responded in writing to that motion. although there was limited discussion of the motion at the May 7, 1993 hearing in this matter.

In its motion to dismiss, G.J. Leasing notes that on April 8, 1993, this Board allowed petitioner St. Clair County seven days to file an amended petition, in order to properly allege standing. G.J. Leasing states that as of May 8 [sic], 1993, it had not received an amended petition from the County.¹ Thus, G.J. Leasing contends that the original petition for review is procedurally defective, that filing of an untimely amended petition will significantly prejudice G.J. Leasing, and that the County's failure to comply with the Board's order "jeopardizes the integrity of the Board's power to impose orders." G.J. Leasing asks that the County be sanctioned by dismissal of the petition with prejudice, or by entrance of judgment upholding the Village of Sauget's approval of G.J. Leasing's application.

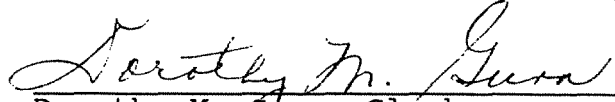
The Board initially notes that on May 5, 1993, we granted the County's motion to file its amended petition instanter. That order and G.J. Leasing's motion to dismiss apparently crossed in the mail. The amended petition differs from the original petition only in that it properly alleges standing--an issue that

¹ The Board notes that G.J. Leasing's motion to dismiss was filed with the Board on May 7, 1993. We assume that the reference to May 8 is a typographical error.

was resolved in the Board's April 8, 1993 order. (See Tr. at 7.) Thus, we find no prejudice to G.J. Leasing from the late filing of the amended petition. The motion to dismiss is denied.

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 20~~th~~ day of May, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board