

ILLINOIS POLLUTION CONTROL BOARD
April 9, 1992

WASTE HAULING, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 91-223
)	(Landfill Siting
MACON COUNTY BOARD,)	Review)
)	
Respondent.)	

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

This matter is before the Board on petitioner Waste Hauling, Inc.'s April 2, 1992 motion to strike the briefs of respondent Macon County Board (County Board) and amicus curiae Organization for Environments and Residents' Safety (OFEARS). Waste Hauling seeks to strike those briefs because they contain no certification that they were printed on recycled paper, as required by Section 101.103(d) of the Board's procedural rules. (35 Ill. Adm. Code 101.103(d).)

On April 2, 1992, OFEARS filed its response to the motion to strike, a motion for waiver of the recycled paper requirement, or in the alternative to be allowed to refile its brief on recycled paper. OFEARS also moves to strike Waste Hauling's initial brief. OFEARS states that Waste Hauling's initial brief is not certified as being printed on recycled paper. County Board filed its response to Waste Hauling's motion on April 7, 1992, along with its motion for waiver of the recycled paper requirement, cross-motion to strike Waste Hauling's initial brief, and motion for leave to file its certification that its brief was on recycled paper.

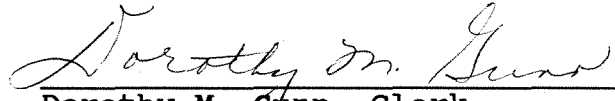
The Board recognizes that the recycled paper requirement, found at 35 Ill. Adm. Code 101.103(d), is a new requirement which is not included in the copy of the procedural rules distributed by the Board.¹ However, that rule was subject to public notice and comment pursuant to the Environmental Protection Act and the Illinois Administrative Procedure Act, and was also discussed in the Board's Environmental Register. The parties are bound by all

¹ The Board began distributing information on the recycled paper requirement with the published copy of the procedural rules when that requirement became effective on January 1, 1992. However, the parties in this case requested those rules prior to that date, and thus would not have received the recycled paper information.

effective rules of practice before the Board. The Board grants the County Board's motion to file its certification that its brief was printed on recycled paper, and grants OFEARS' request that it be allowed to refile its brief on recycled paper. All other motions, including the motions to strike, are denied. Both OFEARS and Waste Hauling shall refile their briefs on recycled paper within 10 days of the date of this order.² If the briefs are not properly refiled, the briefs are subject to being struck by the Board on its own motion.

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 9th day of April, 1992, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

² Waste Hauling's motion to strike briefs for failure to certify compliance with the recycled paper rule, when its own initial brief is lacking that certification, raises questions about Waste Hauling's reasoning behind the filing of that motion.