

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1991

CLYDE R. DACE,)
)
 Complainant,)
)
 v.) PCB 91-153
)
 D. KOHLASE and the FOX RIVER)
 GROVE FIRE PROTECTION DISTRICT,)
)
 Respondents)

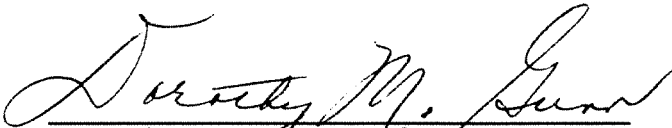
ORDER OF THE BOARD (by J.C. Marlin):

This matter is before the Board on a Motion for Leave to File Affidavit filed October 10, 1991 by Respondents D. Kohlase and the Fox River Grove Fire Department. The affidavit is in support of a motion to dismiss filed by the respondents on September 16, 1991 and denied by a Board Order dated October 10, 1991. The motion alleges that counsel did not receive a copy of the Board's Order granting leave to file supporting affidavits until October 7, 1991. Respondents mailed the affidavit that day. Although not in the form of a motion for reconsideration, the motion urges, in effect, the Board to consider the affidavit in reconsidering the motion to dismiss. The Complainant had previously filed a response to the motion on September 30, 1991.

Reconsideration is granted. However, for the reasons previously stated, the motion to dismiss is again 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 24th day of October, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board