

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-77
)
THE RANDOLPH COUNTY LANDFILL)
AND SALVAGE, INC., a Delaware)
corporation; S & L SANITATION,)
INC., a Missouri corporation;)
ROGER L. RINNE; LARRY G. HENDERSON;)
and JOHN C. HENDERSON,)
)
Respondents.)

DISSENTING OPINION (by Board Member Goodman):

The majority of the Board today granted respondent Roger L. Rinne Leave to File an Amended Motion for Reconsideration in this matter. In this Order the Board states "inadequate information has been provided. For example, the actual grounds on which the motion is based (such as financial hardship, etc.) are not fully detailed or supported." That statement contains the precise grounds upon which I would have denied respondent's Motion for Reconsideration of a previous Board Order.

The Board has no duty to solicit information from a respondent who wishes reconsideration of a Board decision. Respondent is and has been represented by an attorney who the Board must presume is competent. The lack of the basic information noted by the Board in the petition merely indicates that such information is not available. Forcing petitioner to file yet another pleading in this matter may indeed exacerbate the situation of which respondent complains.

I would have denied the motion and therefore respectfully dissent from the Board's decision.


Irvin G. Goodman

I Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 12th day of May, 1980.


Christan L. Moffett,
Clerk of the Board