

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2007

ROCHELLE WASTE DISPOSAL, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	PCB 07-113
)	(Third-Party Pollution Control Facility
THE CITY OF ROCHELLE, an Illinois)	Siting Appeal)
municipal corporation, and THE ROCHELLE)	
CITY COUNCIL,)	
)	
Respondents.)	

ORDER OF THE BOARD (by A.S. Moore):

On November 20, 2007, Rochelle Waste Disposal, L.L.C. (RWD) filed a motion for leave to file its motion for partial summary judgment (Mot.). RWD states that “Respondent City of Rochelle, the only other party participating in this Review, has no objection to the Motion for Leave to file a Motion for Partial Summary Judgment. . . .” Mot. at 2. On November 21, 2007, RWD filed a supplement to its motion for leave. On November 27, 2007, the Rochelle City Council filed a response to RWD’s motion for leave (Council Resp.). The Rochelle City Council indicates that it “has no objection” to RWD’s motion, the supplement, or the filing deadlines proposed in the motion. Council Resp. at 1. On November 29, 2007, the City of Rochelle also filed a response to RWD’s motion for leave (City Resp.). The City of Rochelle states that it “has no objection” to RWD’s motion or to the deadlines proposed in it. City Resp. at 1.

The Board notes that Black’s Law Dictionary defines “summary judgment” as a “[p]rocedural device available for prompt and expeditious disposition of controversy *without trial*. . . .” BLACK’S LAW DICTIONARY 1435 (6th ed. 1990) (emphasis added). The Board further notes that its procedural rules provide that, “[a]ny time after the opposing party has appeared (or after the expiration of time within which any party is required to appear), *but no fewer than 30 days prior to the regularly scheduled Board meeting before the noticed hearing date*, a party may move the Board for summary judgment for all or any part of the relief sought.” 35 Ill. Adm. Code 101.516(a) (emphasis added).

The hearing in this matter took place on July 16, 2007. As RWD’s motion and supplement cite no authority for entry of summary judgment more than four months after hearing, the motion for leave to file is denied. Pursuant to the hearing officer order issued November 20, 2007, respondents’ briefs and any *amicus* brief are due to be filed on or before December 10, 2007, and petitioner’s reply brief, if any, is due to be filed on or before December 17, 2007. Also pursuant to that order, the mailbox rule will not apply to the filing of petitioner’s reply. *See* 35 Ill. Adm. Code 101.300(b)(2). Unless the Board receives an additional waiver of the statutory decision deadline, the Board will proceed to issue its final opinion and order on or before that deadline, which is now January 24, 2008. *See* 35 Ill. Adm. Code 101.308, 107.504.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board