

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 1997

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB 96-209
v.	)	(Enforcement - Land)
	)	
MACON COUNTY LANDFILL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on a motion for partial summary judgment filed on September 26, 1997 by the People of the State of Illinois (People). Respondent, Macon County Landfill Corporation (Macon County Landfill) subsequently filed a motion for a seven-day extension of time to respond to the People's motion for partial summary judgment. On October 21, 1997 Macon County Landfill filed a motion to strike affidavits in support of the People's motion for partial summary judgment and to strike People's motion for partial summary judgment. Although Macon County Landfill's motion was filed after its requested seven-day extension, the Board accepts its October 21, 1997 filing.

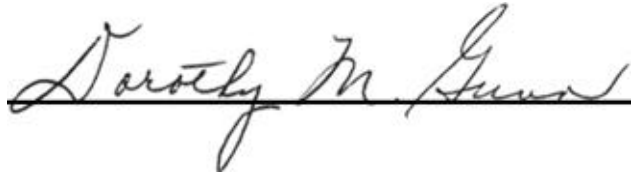
Summary judgment is to be granted where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (1996). In the matter at hand the pleadings plainly show that matters of fact alleged by the People are disputed by Macon County Landfill. In this circumstance the Board denies the People's motion for partial summary judgment.

Inasmuch as the pleadings themselves establish that there exist issues of material fact, the subsidiary issue of whether the affidavits attached to the People's motion are sufficient to support the motion for summary judgment is moot.

IT IS SO ORDERED.

Chairman C.A. Manning abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of November 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board