BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kenda C. Hess, Theresa Adams, Lori Shields, John and Joyce Borchers,	)	
Petitioners,	)	PCB 2027-002 (Third-Party Pollution Control Facility Siting Appeal)
v.	)	
Area Disposal Service, Inc., and Village of Rantoul,	)	
Respondents.	)	

PETITIONERS' RESPONSE IN OPPOSITION TO AREA DISPOSAL'S MOTION FOR RECONSIDERATION OF THE BOARD'S DECISION NOT TO RULE ON AREA DISPOSAL SERVICE, INC.'S MOTION TO DISMISS PETITIONERS' FUNDAMENTAL FAIRNESS CLAIM

Petitioners, by and through their undersigned counsel, oppose Respondent Area Disposal Service, Inc.'s ("Area Disposal") Motion For Reconsideration of The Board's Decision Not to Rule on Area Disposal Service, Inc.'s Motion to Dismiss Petitioners' Fundamental Fairness Claim (hereinafter, referred to as the "Motion for Reconsideration"). For the reasons that follow, Area Disposal's Motion and the requested relief therein should be denied.

BACKGROUND & ARGUMENT

1. On August 19, 2026,[1] Area Disposal filed a motion to dismiss asking that the Board to: (1) dismiss Petitioners' Petition in its entirety because, according to Area Disposal, Petitioners

[1] Contrary to Area Disposal's representation in paragraph 1 to its Motion for Reconsideration, Area Disposal filed its Motion to Dismiss on August 19, 2026 not on September 1, 2026. (*See generally*, Mot. to Dismiss; *see also* Mot. for Reconsideration at ¶1).

lacked standing; and (2) dismiss Petitioners' fundamental unfairness claim. (*See generally*, Mot. to Dismiss).

2. On September 1, 2026, Petitioners filed a Response in opposition to Area Disposal's Motion to Dismiss. (*See generally*, Resp. in Opp. To Mot. to Dismiss).
3. On September 15, 2026, Area Disposal filed a Motion For Leave to File Reply in Support of its Motion To Dismiss. (*See generally*, Mot. For Leave to File Reply).
4. On September 28, 2026, Petitioners filed their Response in Opposition to Area Disposal Service, Inc.'s Motion for Leave to File Reply in Support Of Motion To Dismiss. (*See generally*, Resp. in Opposition to Mot. For Leave to File Reply).
5. On October 15, 2026, this Board issued an Order, *inter alia*, denying Area Disposal's Motion to Dismiss as to Petitioners Hess, Adams, Shields, John Borchers, and Joyce Borchers and denying Area Disposal's Motion for Leave to File a Reply in Support of its Motion to Dismiss. (*See generally*, Oct. 15, 2026 Order of the Board).
6. On October 19, 2026, Area Disposal filed its Motion for Reconsideration in which it requested that the Board enter an order "granting this Motion for Reconsideration, granting Area Disposal Service, Inc.'s motion for leave to file its Reply in Support of its Motion to Dismiss *instanter*, granting Area Disposal Service, Inc.'s Motion to Dismiss Petitioners' Fundamental Fairness Claim, and granting such other relief as the Board deems proper." (Mot. for Reconsideration at 5). Area Disposal does not ask the Board to reconsider its October 15, 2026 rulings and Order with respect to Petitioners' standing. (*See generally*, Mot. for Reconsideration).
7. For the reasons stated in Petitioners' September 1, 2026 Response in Opposition to Area Disposal's Motion to Dismiss and Petitioners' September 28, 2026 Response in Opposition

to Area Disposal's Motion for Leave to File Reply in Support Of Motion To Dismiss, the Board should deny Area Disposal's Motion for Reconsideration and all relief requested therein.

WHEREFORE, Petitioners respectfully request that the Board enter an order denying Area Disposal' Motion for Reconsideration. Alternatively, to the extent the Board grants Area Disposal's Motion for Reconsideration, Petitioners respectfully request that the Board enter an order denying Area Disposal's Motion for Leave to File its Reply in Support of its Motion to Dismiss and denying Area Disposal's Motion to Dismiss Petitioners' Fundamental Fairness Claim.

Dated: October 29, 2026

Respectfully submitted,

/s/ Margaret E. Galka

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NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on October 29, 2026, I caused to be electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the foregoing PETITIONERS' RESPONSE IN OPPOSITION TO AREA DISPOSAL'S MOTION FOR RECONSIDERATION OF THE BOARD'S DECISION NOT TO RULE ON AREA DISPOSAL SERVICE, INC.'S MOTION TO DISMISS PETITIONERS' FUNDAMENTAL FAIRNESS CLAIM, a copy of which is hereby served upon you.

/s/ Margaret E. Galka

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CERTIFICATE OF SERVICE

I hereby certify that, on October 29, 2026, I served a copy of the foregoing NOTICE OF FILING and PETITIONERS' RESPONSE IN OPPOSITION TO AREA DISPOSAL'S MOTION FOR RECONSIDERATION OF THE BOARD'S DECISION NOT TO RULE ON AREA DISPOSAL SERVICE, INC.'S MOTION TO DISMISS PETITIONERS' FUNDAMENTAL FAIRNESS CLAIM, on the parties on the attached service list, by sending a copy to the email addresses designated on the service list.

/s/ Margaret E. Galka

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