

ILLINOIS POLLUTION CONTROL BOARD  
November 4, 1993

LARRY SLATES, LONNIE )  
SEYMOUR, JAMES KLABER, )  
FAYE MOTT, and HOOPESTON )  
COMMUNITY MEMORIAL HOSPITAL, )

Petitioners, )

v. )

ILLINOIS LANDFILLS, INC., and )  
HOOPESTON CITY COUNCIL, on )  
behalf of the CITY OF )  
HOOPESTON, )

Respondent. )

PCB 93-106  
(Landfill Siting Review)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on two motions. First, on November 1, 1993 petitioners filed a motion to dismiss. Petitioners seek to dismiss the motion to reconsider filed by respondent Illinois Landfills, Inc. (ILI) on October 27, 1993. Respondent ILI filed a response in opposition to the motion to dismiss on November 1, 1993.

Petitioners object to ILI's motion to reconsider because they did not receive that motion on the same day that the motion to reconsider was filed with the Board. ILI's motion to reconsider was filed with the Board on October 27, 1993, and petitioners state that as of 4:30 p.m. on October 29, 1993 they had not received that motion to reconsider. Petitioners allege that they should have received the motion to reconsider on the same day as ILI served that motion on the Board. Petitioners ask that the Board impose sanctions pursuant to 35 Ill. Adm. Code 101.280, and dismiss ILI's motion with prejudice, or stay the proceedings, and order ILI to pay petitioners' costs in obtaining the order of sanctions.

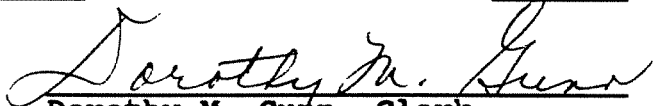
Petitioners' motion to dismiss is denied. As ILI points out, petitioners cite no authority for their allegation that a moving party must ensure that a motion be received by other parties on the same day as it is filed with the Board. Sections 101.142 and 101.241 of the Board's procedural rules provide that motions may be served personally, by United States mail, or by messenger service. The certificate of service attached to ILI's motion to reconsider states that the motion was filed with the Board by hand delivery, and that all other parties were served by

United States mail.<sup>1</sup> Petitioners have failed to point to any violations of the Board's procedural rules, and the request for sanctions is denied.

The second motion is petitioners' November 3, 1993 motion for extension of time to respond to the two pending motions to reconsider. Respondent ILI filed a response in opposition to petitioners' motion on November 3, 1993. Petitioners note that the City of Hoopston's motion to reconsider was filed on October 25, 1993, and that ILI's motion was filed on October 27, 1993. Petitioners state that they wish to file a consolidated response to both motions, and note that the current due date for such a response would be November 8, 1993. Petitioners request an extension of time until November 19, 1993 to respond to the two motions to reconsider. The motion for extension of time is granted, and petitioners' response is now due on November 19, 1993. No further extensions will be granted.

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 4th day of November, 1993, by a vote of 6-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

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<sup>1</sup> The Board notes that petitioners do not contend that ILI failed to serve the motion on them.