

ILLINOIS POLLUTION CONTROL BOARD  
January 7, 1993

CITIZENS AGAINST REGIONAL LANDFILL, )  
 )  
 Petitioners, )  
 )  
 v. ) PCB 92-156  
 ) (Landfill Siting)  
 )  
 THE COUNTY BOARD OF WHITESIDE COUNTY )  
 and WASTE MANAGEMENT OF ILLINOIS, INC., )  
 )  
 Respondents. )

ORDER OF THE BOARD (by B. Forcade):

On January 6, 1993, Waste Management of Illinois, Inc. ("WMII") filed an Emergency Motion to Strike Petitioner's Brief. The County of Whiteside joined in the motion (Motion, ¶ 11). The motion asks the Board to: (1) strike pages 12 through 28 of the Petitioner's Brief, (2) grant Petitioner until January 11, 1993 to file an Amended Brief and Respondents until January 18, 1993 to file a response, and (3) impose sanctions upon Petitioner and its attorney by requiring them to pay attorney fees and expenses incurred by WMII in regard to the motion and the deposition.

The motion seeks to strike selected pages of Petitioner's brief asserting that except for Exhibit E, none of the Exhibits are evidence in this proceeding. Thus, WMII asserts that the arguments premised on the nonrecord material must be stricken. Petitioner has not responded to the motion to strike.

The Board declines to rule on the motion to strike at this time, except to deny the request to extend the time for filing of briefs. This case has a statutory decision deadline of February 14, 1993, and must be decided at the Board's February 4, 1993 Board meeting. At this time, any delay will simply decrease the time for Board consideration of the reasoned arguments of counsel.

The Board will await a response to the motion. Should the ruling be favorable to WMII, the Board will simply disregard any portions of the petitioner's brief and attachments (as well as any portions of the response briefs) which are not appropriate for Board consideration.

WMII has requested sanctions against petitioner and its attorney premised in part upon asserted conflicts with instructions received from the hearing officer, Mr. Gunning. (Motion, ¶ 3 et. seq.). On January 6, 1993, the hearing officer filed by facsimile a letter regarding matters in this proceeding. If the hearing officer believes that additional information would benefit the Board, he may file a statement regarding the

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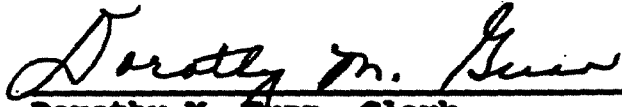
compliance or non-compliance with his instructions and directives in this matter. The Board requests this statement be filed by January 14, 1993.

The Board instructs the Clerk of the Board to provide copies of this order to the hearing officer and all parties by facsimile transmission in addition to the regular service.

IT IS SO ORDERED.

J. Theodore Meyer abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7<sup>th</sup> day of January, 1993, by a vote of 4-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board