ILLINOIS POLLUTION CONTROL BOARD August 23, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,))	
V.)	PCB 97-193 (Enforcement - Land)
COMMUNITY LANDFILL COMPANY,)	()
INC., an Illinois corporation,)	
Respondent.))	

ORDER OF THE BOARD (by N.J. Melas):

This matter comes before the Board on a joint motion for clarification filed on August 13, 2001. Respondent Community Landfill Company (CLC) operates a sanitary landfill in Morris, Grundy County, Illinois (landfill).

In its order of April 5, 2001, the Board issued an order on cross motions for summary judgment. The cross motions for summary judgment addressed count 5 (alleged neglecting to timely file a significant modification permit application for Parcel B of the landfill) and count 12 (alleged accepting waste without a permit at Parcel A of the landfill) of the complaint. The Board granted complainant's motion for summary judgment on count 5 of the complaint. The Board denied both parties' motions for summary judgment with respect to count 12 because the Board determined that there were outstanding issues of material fact. The Board ordered that all issues related to count 12 be presented at hearing.

CLC filed a motion for reconsideration on May 15, 2001. In the motion for reconsideration, CLC presented evidence on Count 12 that the Board had not previously considered. CLC did not present any new evidence or legal arguments with respect to count 5.

On July 26, 2001, the Board granted CLC's motion for reconsideration with respect to count 12 and denied it with respect to count 5. In doing so, the Board denied complainant's motion for summary judgment on count 12, thereby reversing in part its decision of April 5 ordering that count 12 be presented at hearing.

In the joint motion for clarification, the parties stated that the Board's July 26 order was somewhat confusing in that it did not enter summary judgment on count 12 in favor of either party. In order to clarify its July 26 order, the Board adds that it hereby grants CLC's cross motion for summary judgment with respect to count 12.

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 23rd day of August 2001 by a vote of 7-0.

Donaly Th. Sund

Dorothy M. Gunn, Clerk Illinois Pollution Control Board