

ILLINOIS POLLUTION CONTROL BOARD
August 8, 2002

ESG WATTS, INC. (Sangamon Valley)	
Landfill), an Iowa corporation,)	
)	
Petitioner)	
)	
v.)	PCB 00-160
)	(Permit Appeal - Land)
ILLINOIS ENVIROMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

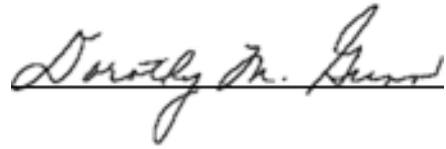
ORDER OF THE BOARD (by G.T. Girard):

On July 11, 2002, the Board received a motion for summary judgment in this matter filed by the petitioner. On July 29, 2002, respondent filed a response to the motion for summary judgment and a motion for extension of time to file a cross-motion for summary judgment. However as indicated in the Board's May 16, 2002 order, the Board received the mandate from the Appellate Court Fourth District in this matter on May 2, 2002. The court reversed the Board's decision in this proceeding finding that the Board had jurisdiction. The court stated, "we reverse and remand to the Board for hearing on the sufficiency of the insurance policy." ESG Watts, Inc., v. PCB, no. 4-00-0861 (4th Dist. 2001).

The language of the court is clear that a hearing on the sufficiency of the insurance policy be held. Therefore, the Board declines to rule on the motion for summary judgment and this matter shall proceed to hearing. However, the petitioner may raise the arguments presented in the motion in the post-hearing brief and respondent may raise any arguments in the post-hearing brief. In addition, the respondent has brought to the Board's attention that the record has not been filed in this case. The respondent shall file the record no later than 30 days before the date of hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board