

ILLINOIS POLLUTION CONTROL BOARD
May 1, 2003

CITY OF KANKAKEE,)
)
Petitioner,)
)
v.) PCB 03-125
) (Third-Party Pollution Control Facility
) Siting Appeal)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

MERLIN KARLOCK,)
)
Petitioner,)
)
v.) PCB 03-133
) (Third-Party Pollution Control Facility
) Siting Appeal)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

MICHAEL WATSON,)
)
Petitioner,)
)
v.) PCB 03-134
) (Third-Party Pollution Control Facility
) Siting Appeal)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

KEITH RUNYON,)	
)	
Petitioner,)	
)	PCB 03-135
v.)	(Third-Party Pollution Control Facility
)	Siting Appeal)
COUNTY OF KANKAKEE, COUNTY)	
BOARD OF KANKAKEE, and WASTE)	
MANAGEMENT OF ILLINOIS, INC.,)	
)	
Respondents.)	

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

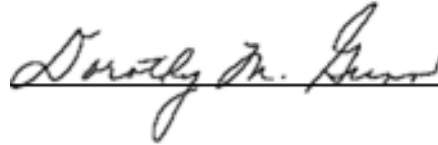
On April 28, 2003, the City of Kankakee (City) filed a motion captioned “Motion to Reconsider Discovery Rulings” with the Board. The City requests that the Board overrule decisions made by the Board’s hearing officer during an April 24, 2003, telephone status call. On April 29, 2003, the County of Kankakee filed a response. Both the motion and the response ask the Board to rule on the motion if possible on May 1, 2003.

On April 30, 2003, the City filed a motion for leave to file and a “Response to County of Kankakee’s Response to City’s Motion to Reconsider Discovery Rulings”, which is in effect a motion for leave to file a reply and a reply. On April 30, 2003, the County filed a “Response to City’s Motion for Leave to File ‘Response to County’s Response to City’s Motion to Reconsider Discovery Ruling’” and a Surreply. The Board’s procedural rules allow the filing of a reply to a response only by permission of the Board or hearing officer to prevent material prejudice. See 35 Ill. Adm. Code 101.500(e). The Board finds that the reply is not necessary to prevent material prejudice and therefore the motion for leave to file the reply is denied. Because the Board has not accepted the reply, the County’s filing is moot.

The Board has reviewed the motion, the response and the hearing officer’s written order in this matter. The Board finds that the arguments set forth by the City are unpersuasive. Therefore, Board denies the motion to overrule the hearing officer and affirms the hearing officer’s rulings of April 24, 2003.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 1, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board