

ILLINOIS POLLUTION CONTROL BOARD  
May 20, 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):

This matter comes before the Board on a Motion for Stay filed on April 29, 1993 by Citizens Against Regional Landfill (CARL). The motion requests the Board to stay the payment of the sanctions imposed against the attorney for CARL pending the outcome of an appeal to the Illinois Appellate Court. Waste Management of Illinois, Inc. (WMII) filed a reply to the motion on May 10, 1993.

On January 21, 1993, the Board granted WMII's motion for sanctions against Mr. Hudec, the attorney for CARL, and ordered WMII to submit a statement of costs to the Board. After reviewing the statement of costs, the Board, on March 11, 1993, ordered the attorney for CARL to pay \$2,697.50 to WMII within 30 days or by April 12, 1993.

On February 25, 1993, the Board affirmed Whiteside County's decision granting siting approval. On April 1, 1993, CARL filed a motion for reconsideration of the Board's refusal to consider the entire deposition transcript even as an offer of proof. On April 22, 1993, the Board denied CARL's motion for reconsideration.

CARL notes that the Board has issued a final order in this matter and the petitioner will be filing a petition for review with the Appellate Court. CARL asserts that there is a nexus between the sanctions imposed and the issues that will be raised on appeal. CARL claims that one of the issues for review is the submission of the deposition transcript for which the sanctions were imposed. CARL maintains that due to the relationship between the sanctions and the submission of the deposition transcript, payment of the sanctions should be stayed during appellate review.

WMII argues that the motion to stay should be denied. WMII argues that CARL does not set forth any recognized grounds for a stay. Further, WMII asserts that CARL has not addressed any of

the equitable elements to be considered and balanced in determining if a stay should be granted.

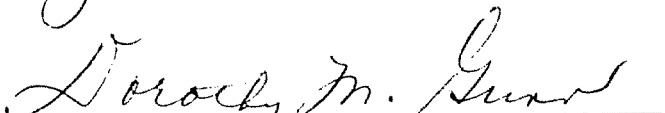
The Board denies the motion to stay. The only argument presented by CARL, in support of staying the payment of the sanctions, is the relationship between the issues raised on appeal and the basis of the sanctions. The Board finds this nexus to be an insufficient basis to stay the payment of the sanctions.

The Board notes that payment of the sanctions was to be made by April 12, 1993. Neither party has presented arguments on the timeliness of the filing of the motion for stay. As this issue has not been raised and the Board has denied the motion, the Board will not consider the issue. The Board orders Mr. Hudec to pay the amount of sanctions as ordered to WMII within 14 days of this order.

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 20th day of May, 1993, by a vote of 5-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board