

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1989

WASTE MANAGEMENT OF ILLINOIS)
INC.,)
)
Petitioner,)
)
v.) PCB 89-28
)
VILLAGE OF BENSENVILLE,)
)
Respondent.)

DISSENTING OPINION (by J. Anderson):

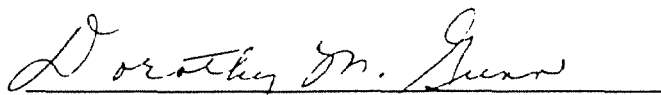
I dissent because I believe the Board should have granted reconsideration, then reversed its manifest weight holding on Criterion #1 and then overruled the Village's decision, all for the reasons stated in the dissenting Opinion of August 10, 1989.

I also believe reconsideration should have been granted in any event. Granting reconsideration does not in-and-of itself affect the outcome - whether to affirm or reverse the prior action. When the Board, as here, is considering issues newly raised in the motion and affirming and expanding upon its prior opinion, is it not in fact granting the motion for reconsideration? Unless the Board finds that the Motion fails to raise new issues, I do not believe it should deny a motion to reconsider. Otherwise, it sends a mixed message: if it is refusing to grant the motion, for what purpose is it addressing its contents?

For these reasons, I respectfully dissent.


Joan G. Anderson

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 20th day of September, 1989.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board