

ILLINOIS POLLUTION CONTROL BOARD

July 12, 2001

IN THE MATTER OF:)
)
PETITION OF THE CITY OF) AS 01-2
GENEVA FOR AN ADJUSTED) (Adjusted Standard - Land)
STANDARD FROM 35 ILL. ADM.)
CODE 807.104)

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

On June 21, 2001, petitioner filed a motion for reconsideration (motion). Petitioner request that the Board reconsider its May 17, 2001, denying petitioners' petition for an adjusted standard. On July 9, 2001, the Illinois Environmental Protection Agency filed a response to petitioner's motion. For the reasons that follow, petitioner's motion is denied.

In ruling on a motion for reconsideration the Board will consider factors including new evidence, or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County of Board of Whiteside (March 11, 1993), PCB 93-156, we observed that "the intended purpose of a motion for reconsideration is to bring to the court's attention newly discovered evidence which was not available at the time of hearing, changes in the law or errors in the court's previous application of the existing law." Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992).

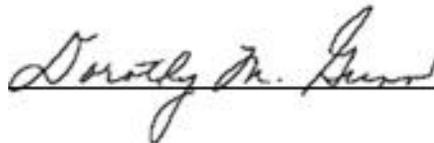
We find that the motion presents the Board with no new evidence, change in the law, or any other reason to conclude that the Board's original decision was in error.

The Board therefore denies petitioner's motion for reconsideration.

IT IS SO ORDERED.

Board Member T.E. Johnson abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 12th day of July 2001 by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

