

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 2001

COMMUNITY LANDFILL COMPANY	)	
and CITY OF MORRIS,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 01-170
	)	(Permit Appeal – Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On August 31, 2001, the Illinois Environmental Protection Agency (Agency) filed a motion for reconsideration (motion). The Agency asks the Board to reconsider its August 23, 2001 order granting petitioners' motion for expedited review. On September 6, 2001, petitioners filed a response to the motion. For the reasons that follow, the 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 Board of Whiteside, PCB 93-156, (March 11, 1993), 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).

The Agency argues that the Board did not allow the Agency 14 days to respond to the motion. Mot. at 3. Pursuant to the Board's procedural rules:

Unless undue delay or material prejudice would result, neither the Board nor the hearing officer will grant any motion before expiration of the 14 day response period except in deadline driven proceedings where no waiver has been filed. 35 Ill. Adm. Code 101.500(d).

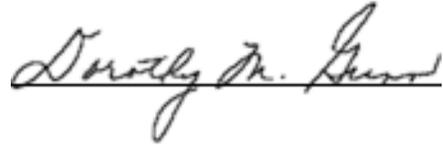
The Board's August 23, 2001 order was consistent with Section 101.500(d). This is a deadline driven case in which no waiver was filed. Among other things, petitioners requested that hearing be scheduled in 21 days, *i.e.*, on or before September 15, 2001. The Board promptly ruled on the motion in part to advise the Agency that it would not move the case on the extremely tight schedule requested by petitioners. The Board did, however, agree to expedite decision in this matter to prevent undue delay. Nothing in the Board's August 23, 2001 order should be construed to suggest that dispositive motions will not be considered in this matter.

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 the Agency's motion to reconsider.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above order was adopted on September 20, 2001, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board