

ILLINOIS POLLUTION CONTROL BOARD

January 18, 2001

PERBIO SCIENCE, AB d/b/a	)	
PIERCE CHEMICAL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 01-52
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

The matter before us is petitioner's November 27, 2000 motion to reconsider or vacate judgment to allow for petitioner to appeal the denial of a final Resource Conservation and Recovery Act Post-Closure permit (permit) by the Illinois Environmental Protection Agency (Agency). The Board denies the petitioner's motion and affirms its November 16, 2000 order, which dismissed this case and closed the docket.

On August 7, the Agency issued a written determination that denied petitioner's permit. The parties mailed a 90-day extension of time period for filing an appeal of the permit on September 11, 2000, in accordance with Section 40(a)(1) of the Environmental Protection Act (Act). 415 ILCS 5/40(a)(1) (1998). The Board received the extension on September 13, 2000, and, in its September 21, 2000 order, granted the extension of the appeal period up to 90 days from August 7, 2000, until November 5, 2000.

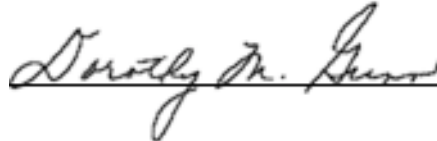
On November 16, 2000, the Board determined that petitioner failed to file a timely appeal and adopted an order which dismissed the matter and closed this docket. Petitioner filed a motion to reconsider or vacate judgment on November 27, 2000, in that counsel alleges he erred in entering the appeal deadline into his calendar. He stated he incorrectly listed the date as December 5, 2000, rather than November 5, 2000. Counsel argues that since the petitioner intended to file an appeal, the Board should exercise its discretion and allow an appeal to be filed.

In ruling upon a motion for reconsideration, the Board is to consider factors including, but not limited to, error in the previous decision and facts in the record which are overlooked. 35 Ill. Adm. Code 101.246(d). In Citizens Against Regional Landfill v. County Board of Whiteside County (March 11, 1993), PCB 93-156, the Board stated that "[t]he 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 the 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, 572 N.E.2d 1154 (1st Dist. 1992).

The Board finds nothing in the motion to reconsider which persuades the Board that its decision of November 16, 2000, was in error, or that facts were overlooked. The motion to reconsider is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of January 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control