

ILLINOIS POLLUTION CONTROL BOARD
June 7, 2001

COMMUNITY LANDFILL COMPANY)	
and CITY OF MORRIS,)	
)	
Petitioners,)	
)	
v.)	PCB 01-48
)	PCB 01-49
ILLINOIS ENVIRONMENTAL)	(Permit Appeal - Land)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flegal):

On May 15, 2001, petitioners filed a motion for reconsideration (motion). Petitioners request that the Board reconsider its April 5, 2001 order affirming, in part, various permit conditions imposed by the Illinois Environmental Protection Agency (Agency). On June 1, 2001, the Agency filed a motion for leave to file *instanter* a response to the motion and a response. The Board grants the motion for leave to file *instanter*. For the reasons that follow, petitioners' motion is denied.

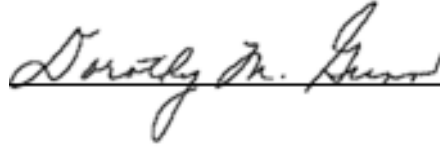
In ruling on a motion for reconsideration the Board will consider factors including new evidence, or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County Board of Whiteside (March 11, 1993), PCB 93-156, we 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 petitioners' motion for reconsideration.

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 7th day of June 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board