

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
WASTE HAULING LANDFILL, INC., an)
Illinois corporation, and WASTE HAULING,)
INC., an Illinois corporation,)
)
Respondents.)
)
-----)
)
WASTE HAULING LANDFILL, INC.,)
an Illinois corporation, AND WASTE)
HAULING, INC., an Illinois corporation,)
)
Cross-claimants,)
)
v.)
)
BELL SPORTS, INC., a California)
corporation,)
)
Cross-respondent.)

PCB 95-91
(Enforcement - Land)

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on a motion for reconsideration of interim order filed by Waste Hauling Landfill, Inc. and Waste Hauling, Inc. (collectively WHLI/WHI) on April 14, 1997. WHLI/WHI requests that the Board reconsider its March 20, 1997 interim order which approved a stipulation and proposal for settlement between complainant and Bell Sports, Inc. (Bell Sports) only. Complainant and Bell Sports both filed responses to the motion for reconsideration on April 15, 1997 and April 21, 1997, respectively.

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

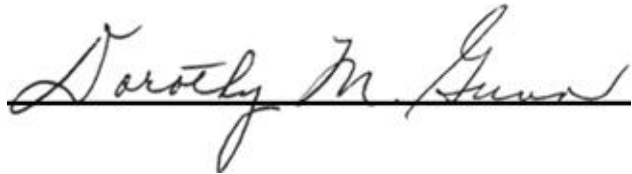
purpose of a motion for reconsideration is to bring to the court's attention newly-discovered evidence which was not available at the time of the hearing, changes in the law, or errors in the court's previous application of the existing law." (Korogluyan v. Chicago Title & Trust Co. 213 Ill. App.3d 622, 572 N.E.2d 1154 (1st Dist. 1992).)

Contrary to WHLI/WHI's belief, the Board, in making its determination on March 20, 1997, considered all arguments and pleadings filed by the parties in this matter. As such, the Board finds that the arguments presented in WHLI/WHI's motion for reconsideration do not present the Board with any new evidence, a change in the law, or any other reason to conclude that the Board's decision was in error. Therefore, the Board denies WHLI/WHI's motion for reconsideration.

The original enforcement matter filed by complainant against WHLI/WHI shall proceed as scheduled; likewise, the cross-claim between WHLI/WHI and Bell Sports shall proceed accordingly. Again, the Board notes that Bell Sports shall no longer appear as a named respondent in any future pleadings or orders in the original enforcement case filed by complainant. The current Board order reflects this.

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 1st day of May, 1997, 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 Board