

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 1997

COUNTY OF WILL,	)	
	)	
Complainant,	)	
	)	AC 97-53
v.	)	(WC 97 AC 8)
	)	(Administrative Citation)
ERNEST ANGELINA,	)	
	)	
Respondent.	)	

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

On June 2, 1997, the Board received a petition for review filed by respondent, Ernest Angelina. However, prior to receiving the petition for review, the Board had issued a default order in the administrative citation on May 15, 1997. On June 12, 1997, the Board received a filing which we will consider as a motion to reconsider our default order of May 15, 1997. The complainant, County of Will, has not responded to the filings.

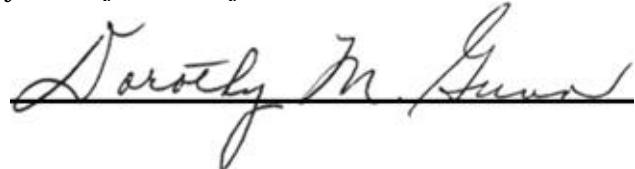
The Board notes that the petition for review was filed after the Board entered the default order on May 15, 1997. Section 31.1(d) of the Environmental Protection Act (415 ILCS 5/31.1(d) (1996)) specifically provides that if the person named in an administrative citation fails to petition the Board for review within 35 days from the date of service the Board shall issue an order finding violation and assessing a penalty. Therefore, the Board will not consider the petition for review because it was not timely filed.

In ruling on 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. The County Board of Whiteside (March 11, 1993), PCB 93-156, the Board stated 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 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 motion to reconsider does not contain any information which points to an error in the decision or to facts in the record which were overlooked by the Board. Therefore, the motion to reconsider is denied.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 24th day of July 1997, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board