

ILLINOIS POLLUTION CONTROL BOARD  
April 16, 1998

VILLAGE OF ADDISON, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 98-104  
 ) (Enforcement - Water)  
 CITY OF WOOD DALE, )  
 )  
 Respondent. )

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

On March 23, 1998, the Board received a motion to reconsider filed by the Village of Addison. The motion asks the Board to reconsider the order of March 5, 1998, dismissing this proceeding as duplicitous. The Board has not received a response from the City of Wood Dale. On April 13, 1998, the Village of Addison filed a motion seeking leave to file a copy of a consent decree instanter. The Board will grant that motion.

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).

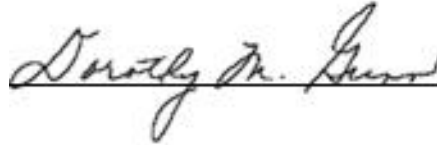
The motion to reconsider is denied. The Board finds nothing in the motion to reconsider or the consent decree which persuades the Board that its decision of March 5, 1998, was in error, or that facts were overlooked.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstains.

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 172 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 16th day of April 1998 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