

ILLINOIS POLLUTION CONTROL BOARD
November 20, 2008

KIBLER DEVELOPMENT CORPORATION)
and MARION RIDGE LANDFILL, INC.,)
)
Petitioners,)
)
v.) PCB 07-43
) (Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas):

By order of August 7, 2008, the Board granted the petitioners' motion for voluntary dismissal of this action, dismissed the appeal, and closed the docket. The Board denied as moot the motion to intervene filed by the State's Attorney of Williamson County, Charles Garnati, in his official capacity, on behalf of the People of Williamson County. Among other things, the order stated that:

Considering the circumstances of this case, at this time there is no existing case or controversy between the original parties in which to allow the movant to intervene. Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA, PCB 05-35, slip op. at 3 (Aug. 7, 2008).

On September 11, 2008, the State's Attorney filed a motion for reconsideration of the August 7, 2008 order, accompanied by a brief in support of the motion. Petitioner filed a response in opposition on September 25, 2008. The respondent filed a response in opposition on September 30, 2008. The latter response was accompanied by a motion for leave to file, to which no response has been filed. The motion for leave to file is granted.

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, PCB 93-156 (Mar. 11, 1993), 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).

After review of the filings, the Board finds that the State's Attorney has failed to point out any newly-discovered evidence, citation to change in law, or error in the Board's previous

application of existing law that would lead the Board to conclude that the August 7, 2008 decision was in error. The Board accordingly denies the motion for reconsideration.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2008, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board