

ILLINOIS POLLUTION CONTROL BOARD

September 23, 1999

SIERRA CLUB, MIDEWIN TALLGRASS)
PRAIRIE ALLIANCE, AUDUBON COUNCIL)
OF ILLINOIS, and ILLINOIS AUDUBON)
SOCIETY,)
)
Petitioners,)
)
v.) PCB 99-136
) (Pollution Control Facility
WILL COUNTY BOARD and WASTE) Siting Appeal)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

LAND AND LAKES COMPANY,)
)
Petitioner,)
)
v.) PCB 99-139
) (Pollution Control Facility
WILL COUNTY BOARD and WASTE) Siting Appeal)
MANAGEMENT OF ILLINOIS, INC.,)
)
Respondents.)

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

On August 19, 1999, petitioners Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois and Illinois Audubon Society (collectively, Sierra Club), filed a motion for reconsideration (motion). Sierra Club requests that the Board reconsider its August 5, 1999 order affirming the Will County Board's decision to grant pollution control facility siting approval to Waste Management of Illinois, Inc. (WMII), for the proposed Prairie View Landfill. Respondent Will County Board filed a response to the motion on August 30, 1999. Respondent WMII filed a response to the motion on September 1, 1999. For the reasons that follow, the motion is denied.

In ruling on a motion for reconsideration the Board is to consider, but is not limited to, error in the decision and facts in the record which may have been overlooked. 35 Ill. Adm. Code 101.246(d). In Citizens Against Regional Landfill v. County of 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).

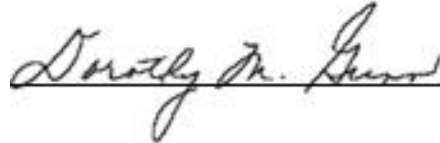
We find that the motion presents the Board with no new evidence, change in the law, or any other reason to conclude that the Board's original decision was in error.

The Board therefore denies Sierra Club's motion to reconsider the Board's August 5, 1999 order affirming the Will County Board's decision to grant pollution control facility siting approval to WMII, for the proposed Prairie View Landfill.

IT IS SO ORDERED.

Board Member G.T. Girard abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of September 1999 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board