

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1995

IN THE MATTER OF:)
)
PETITION OF ILLINOIS DEPARTMENT)
OF TRANSPORTATION, DISTRICT 8)
FOR AN ADJUSTED STANDARD FROM) AS 95-8
35 Ill. Adm. Code 304.124) (Adjusted Standard)

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

On November 15, 1995, petitioner filed a motion to reconsider the Board's October 19, 1995, opinion and order. Petitioner also filed an amended petition on November 15, 1995, and on November 29, 1995, petitioner filed proof of publication. The Agency has not filed a response.

In ruling upon a motion for reconsideration the Board is to consider, but is not limited to, error in the previous decision and facts in the record which may have been overlooked. (35 Ill. Adm. Code 101.246(d).) In Citizens Against Regional Landfill v. The County Board of Whiteside County (March 11, 1993), PCB 93-156, we 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. (Koroqluyan v. Chicago Title & Trust Co. (1st Dist. 1992), 213 Ill. App.3d 622, 572 N.E.2d 1154.)

Petitioner is asking the Board to reconsider its previous order and issue a new order which would include an adjusted standard for total suspended solids (TSS). Heretofore, petitioner had not requested such relief in this proceeding. A motion to reconsider is not the proper means for petitioner to request for the first time that the Board consider such relief. Accordingly, the motion for reconsideration is denied.

The Board will however accept the amended petition as a new petition for adjusted standard, waiving the filing fee. The amended petition will be docketed as a new adjusted standard request in AS 96-5. The Board will hold the petition until the Agency files a recommendation which is due no later than January 10, 1996.