

ILLINOIS POLLUTION CONTROL BOARD
August 20, 2009

IN THE MATTER OF:)
)
PETITION OF MAXIMUM INVESTMENTS,) AS 09-2
LLC FOR AN ADJUSTED STANDARD) (Adjusted Standard – Land)
FROM 35 ILL. ADM. CODE 740.210(a)(3))
FOR STONEY CREEK LANDFILL IN)
PALOS HILLS, ILLINOIS)

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

On July 20, 2009, petitioners filed a motion asking the Board to reconsider the June 18, 2009 order dismissing the petition for an adjusted standard. On July 31, 2009, the Illinois Environmental Protection Agency filed a response in opposition to the motion. On August 17, 2009, petitioners filed a reply that was not accompanied by a motion for leave to file the reply. To ensure that petitioner's arguments are fully considered and to avoid any prejudice, the Board accepts the reply. For the reasons discussed below the Board denies the motion for reconsideration.

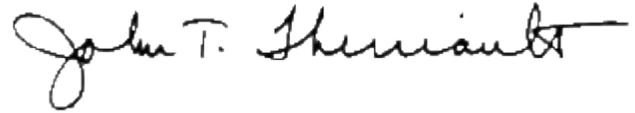
In ruling on a motion for reconsideration, the Board will consider factors including new evidence or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County Board of Whiteside, PCB 93-156 (Mar. 11, 1993), we observed 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). The Board finds that the petitioners have provided no new evidence or a change in the law that would indicate that the Board's June 18, 2009 order dismissing the adjusted standard petition was in error. Therefore the motion to reconsider is denied.

IT IS SO ORDERED.

Board Member Thomas E. Johnson dissented.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2006); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 20, 2009, by a vote of 4-1.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board