

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1988

CITY OF EAST MOLINE,)
)
 Petitioner,)
)
 v.) PCB 86-218
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon receipt of a October 13, 1988 Motion For Rehearing, filed by Petitioner, the City of East Moline. A Responsive Motion By Respondent, Illinois Environmental Protection Agency (Agency) was filed on October 28, 1988.

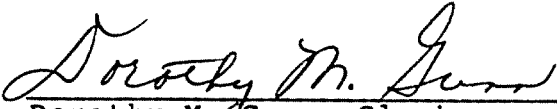
The motion for rehearing is denied. Petitioner raises no new argument which was not substantially addressed during the case in chief. In responding to Petitioner's plea for a new hearing the Board looks for guidance to a recent Appellate case involving a request for rehearing from a permit denial.

"... the court's language should not be construed to allow the supplementing of the record with new matters not considered in the Agency's denial of the permit application ... we believe Alton was afforded an adequate opportunity to challenge the reasons given by the Agency for its permit denial. And we, accordingly, find no basis upon which to remand for further hearing. Alton Packaging Corporation v. IPCB et al., (5th Dist. 1987) 114 Ill. Dec. 120, 162 Ill. App. 3d 731, 516 N.E.2d 275 at 280.

Although the case at issue involves an NPDES permit (not permits arising from sulfur dioxide emissions) the policy is the same. Petitioners have had a hearing; no new matters are raised in the instant motion. The motion for rehearing and reconsideration is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3rd day of November, 1988 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board