

law that would lead the Board to conclude that the June 18, 2009 decision was in error. The Board accordingly denies each respondent's motion for reconsideration.

The Board notes that the pendency of the timely-filed motions for reconsideration stayed the effect of the June 18, 2009 order until final disposition of those motions in today's order. See 35 Ill. Adm. Code 101.520 (c), citing 35 Ill. Adm. Code 101.300(d)(2). Accordingly, the 60 day timeframe for performance of the terms of the Board's order begin to run anew today. Accordingly, each respondent's deadline date for performance is now November 16, 2009.

IT IS SO ORDERED.

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) (2008); 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 September 17, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board