

ILLINOIS POLLUTION CONTROL BOARD

May 15, 2003

IN THE MATTER OF:)
)
PETITION OF THE) AS 00-5
ENSIGN-BICKFORD COMPANY) (Adjusted Standard – Air)
FOR AN ADJUSTED STANDARD)
FROM 35 ILL. ADM. CODE 237.102)

ORDER OF THE BOARD (by W.A. Marovitz):

On April 14, 2003, petitioner Ensign-Bickford Company (EBCo) filed a motion for reconsideration (motion). EBCo requests that the Board reconsider its March 20, 2003 opinion in which the Board granted petitioner an adjusted standard, but included condition 3.u. as part of the order. The Environmental Protection Agency (Agency) did not file a response to EBCo's motion. For the reasons that follow, EBCo's motion is denied.

As part of the Board order granting the adjusted standard, the Board included condition 3.u. regarding explosive and contaminated waste. The condition mandated that EBCo must notify the Agency, the local fire department, and the county forestry service of the date and time when the proposed burning will occur, at least three business days in advance of when it is intended to occur. EBCo asks the Board to reconsider this condition. Specifically, EBCo states that it does not believe the condition is necessary or appropriate, and adds that after conferring with the Agency, the Agency agrees the condition is not necessary. Mot. at 1. EBCo adds that given its prior experience with the fire department and forestry service, "EBCo believes that notifications of this nature are not considered useful or necessary to these entities." Mot. at 1.

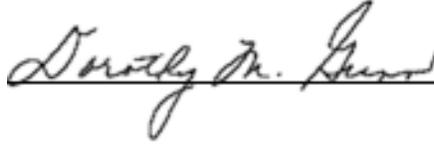
In ruling on a motion for reconsideration the Board will consider factors including new evidence, or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County of Board of Whiteside, PCB 92-156, (Mar. 11, 1993), 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).

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 believes condition 3.u. is not onerous and would not cause EBCo any hardship.

The Board therefore denies EBCo's motion for reconsideration

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board