

ILLINOIS POLLUTION CONTROL BOARD

July 8, 1998

W.R. MEADOWS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 97-195
)	(Permit Appeal - Air)
THE ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

On June 12, 1998, petitioner, W.R. Meadows (Meadows), filed a motion asking the Board to reconsider or modify its May 7, 1998, order denying petitioner's motion for summary judgment on two grounds. On June 19, 1998, the Illinois Environmental Protection Agency (Agency) filed a response opposing Meadows' motion. On June 29, Meadows filed both a motion for leave to file instant a reply to the Agency's response and a reply.

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

The motion to reconsider is denied. The Board finds nothing in the motion to reconsider that persuades the Board that its decision of May 7, 1998, was in error, or that facts were overlooked.

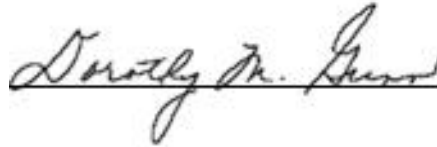
To the extent that Meadows seeks further explanation regarding whether Section 203.206(e) conflicts with Section 203.211, the Board believes it has sufficiently addressed this matter. In its May 7, 1998 order, the Board agreed with the Agency's assertion that the two sections did not conflict. Nothing in Meadows' motion persuades the Board that its finding regarding these two sections needs further explanation.

Meadows' motion for leave to file instant a reply to the Agency's response is denied. The Board's procedural rules do not permit filing a reply to a response. Further, in the reply, Meadows asks the Board to declare the Agency's permit denial invalid. As the Board noted in

its May 7, 1998, order, whether a permit was properly denied involves issues of fact. Therefore, this matter is inappropriate for summary judgment.

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 8th day of July 1998, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board