

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

WEST SUBURBAN RECYCLING)	
AND ENERGY CENTER, L.P.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-155, 96-156
)	(Permit Appeal - Land & Air)
ILLINOIS ENVIRONMENTAL)	Consolidated
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On February 23, 1996 West Suburban Recycling and Energy Center, L.P. (WSREC) filed a "Request for Modification of the Board's 2/15/96 Order Granting the Agency's Second Motion for Extension of Time to File the Administrative Record". The Illinois Environmental Protection Agency (Agency) filed an "Objection to WSREC's Request for Modification of the Board's 2/15/96 Order Granting the Agency's Second Motion for Extension of Time to File the Administrative Record" on March 5, 1996.

In ruling on a motion for reconsideration the Board is to consider, but is not limited to, error in the decision and facts in the record which may have been overlooked. (35 Ill. Adm. Code 101.246(d).) In Citizens Against Regional Landfill v. County of Board of Whiteside (March 11, 1993), PCB 93-156, we observed 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 hearing, changes in the law or errors in the court's previous application of the existing law. (Korogluyan v. Chicago Title & Trust Co. (1st Dist. 1992), 213 Ill.App.3d 622, 572 N.E.2d 1154, 1158.)"

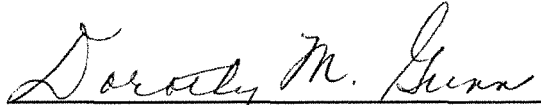
Because the Board ruled upon the Agency's February 14th motion for extension of time to file the record without WSREC's reply, the Board will now consider WSREC's motion. WSREC requests that the Board modify its February 15th order which granted the Agency until May 16, 1996 to file the administrative record in PCB 96-155 and 96-156. WSREC objects to granting the Agency the extension because of the Agency's poor past performance in filing a complete record on time. WSREC especially noted the lateness of the Agency record in PCB 95-119 and 95-125, two other permit appeals currently pending before the Board. WSREC requests that the Board require the Agency's record to be filed with the Board by April 12, 1996, and that the record be complete so as to allow discovery on the record prior to hearing.

The Board has granted the Agency leave to file the record on or before May 16, 1996; the decision date in this matter is August 10, 1996. Thus, there exists three months between the filing of the record and the due date. The Board fully expects that the Agency will file a complete record by May 16.

WSREC provides the Board with no new evidence, changes in the law or any other reasons that persuade the Board that its February 15 decision was incorrect. The Board therefore denies WSREC's motion to modify the Board's February 15, 1996 order.

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 14 day of March, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board