

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 1993

IN THE MATTER OF: )  
 )  
PETITION OF PEORIA DISPOSAL CO. ) AS 91-3  
FOR AN ADJUSTED STANDARD FROM ) (RCRA Delisting)  
35 Ill. Adm. Code 721.Subpart D ) (Adjusted Standard)

ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on the March 15, 1993 motion for reconsideration filed by third-party Envirite Corporation (Envirite). The motion restates the arguments made in the course of this proceeding against the grant of the adjusted standard as the basis for reconsideration. Peoria Disposal Company and the Agency jointly responded on March 22, 1993, arguing against reconsideration in that the motion presents nothing new, that the motion cites no error in the Board's decision or facts overlooked by the Board, and that Envirite lacks standing to file for reconsideration.

Envirite filed a March 22, 1993 motion for leave to file a supplement to its motion for reconsideration by March 25, 1993. The Board adopted an order by expedited consideration on February 4, 1993 without simultaneously adopting the customary accompanying opinion. That opinion followed two Board meetings later, on March 11, 1993. The March 15, 1993 Envirite motion was based only on the record and the February 4 order. In support of its motion to supplement, Envirite states that it did not receive a copy of the Board's March 11 opinion until March 15.

The Board is denying both of Envirite's motions. By an order dated September 11, 1991, the hearing officer denied Envirite's August 19, 1991 motion to intervene, citing the lack of a procedural rule that expressly allows intervention in adjusted standard proceedings and the lack of any "right or interest [of Envirite] directly involved in this proceeding that the ultimate outcome could prejudice". Therefore, Envirite lacks standing to seek reconsideration. Since Envirite lacks standing to seek reconsideration, the Board needs not further consider the motion for leave to supplement.

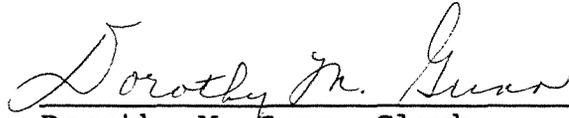
ORDER

The Board hereby denies the motion for reconsideration and the motion for leave to file a supplement for the reasons set forth.

IT IS SO ORDERED.

0140-0291

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 25<sup>th</sup> day of March, 1993, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board