

ILLINOIS POLLUTION CONTROL BOARD
May 2, 1996

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|-----------------------------------|---|------------------------|
| THE COUNTY OF KANE, Illinois, and |) | |
| WASTE MANAGEMENT OF ILLINOIS, |) | |
| INC., |) | |
| |) | |
| Petitioner, |) | PCB 96-85 |
| |) | (Permit Appeal - Land) |
| v. |) | |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board on a motion for reconsideration and clarification filed by Kane County and Waste Management of Illinois (WMI) on March 6, 1996. Both the Illinois Environmental Protection Agency and the City of Geneva filed responses on March 20, 1996. On March 28, 1996, Kane County and WMI filed a motion to strike Geneva's response which we hereby deny.

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

The Board finds that the motion for reconsideration and clarification does not present the Board with new evidence, a change in the law, or any other reason to conclude that the Board's decision was in error, or that it requires clarification. Therefore, the motion is denied.

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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board