

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

RODNEY B. NELSON, III, M.D.,)
)
 Petitioners,)
)
 v.)
) PCB 94-51
) (Land Siting Review)
KANE COUNTY, KANE COUNTY)
BOARD, and WASTE MANAGEMENT)
OF ILLINOIS, INC.,)
)
 Respondents.)

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

This matter is before the Board on a motion to reconsider filed by Rodney B. Nelson, III, M.D. on April 25, 1994. Dr. Nelson also filed first and second addenda on April 29, 1994 and May 11, 1994. Respondent Waste Management, Inc, (WMII) filed a response on May 2, 1994, and the City of Geneva filed a response to the Addenda indicating the City's agreement with the Board ruling on Dr. Nelson's motion simultaneously with its final decision in PCB 94-58. The motion asks the Board to reconsider its April 21, 1994 decision upholding the Kane County Board's grant of siting approval to WMII for an expansion to Settler's Hill Landfill.

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 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 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.)"

The motion for reconsideration does not present the Board with new evidence, a change in the law, or any other reason to conclude that the Board's April 21, 1994 decision was in error. Accordingly, the motion for reconsideration is hereby 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 21st day of July 1994, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board