

ILLINOIS POLLUTION CONTROL BOARD
April 23, 1992

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 89-215(A)
)	(IEPA No. 9926-AC)
OMER THOMAS,)	(Administrative Citation)
)	
Respondent.)	
)	

ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on a February 27, 1992, motion for reconsideration filed by the respondent, Omer Thomas. The Illinois Environmental Protection Agency (Agency) filed a motion for leave to file instanter and response in opposition to reconsideration on March 23, 1992. The Agency's motion to file instanter is granted.

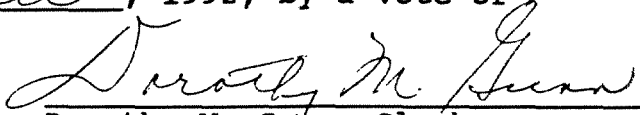
The respondent filed a reply to the Agency's response on March 26, 1992. Pursuant to 35 Ill. Adm. Code 101.241(c), the party who files a motion does not have the right to file a reply unless allowed by the Board to prevent material prejudice. The Board does not find that material prejudice will result and will not consider the respondent's reply.

Respondent's motion for reconsideration raises issues which the Board has already considered in its decision of January 23, 1992. The Board finds that respondent has raised nothing new that would persuade it to reconsider its prior decision. Therefore, the Board denies the motion to reconsider and reaffirms its opinion and order of January 23, 1992.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1991 ch. 111 1/2, par. 1041) provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of April, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board