

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1992

ENVIRITE CORPORATION, )  
a Pennsylvania Corporation, )  
 )  
Complainant, )  
 )  
v. ) PCB 91-152  
 ) (Enforcement)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY and )  
PEORIA DISPOSAL COMPANY, )  
 )  
Respondents. )

ORDER OF THE BOARD (by M. Nardulli):

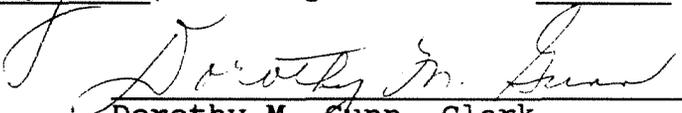
This matter is before the Board on the January 22, 1992 motion for reconsideration filed by Envirite Corporation (Envirite). By the instant motion, Envirite asks that the Board reconsider its December 19, 1991 decision which: (1) dismissed Envirite's complaint against the Illinois Environmental Protection Agency (Agency); (2) granted summary judgment in favor of Peoria Disposal Company (Peoria); and (3) denied Envirite's motion for leave to file a reply. On February 5, 1992, respondents filed a joint response.

The Board finds no reason to reconsider its December 19, 1991 decision in which the Board construed Section 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1039(h)) and concluded that Peoria was both the generator and owner for purposes of Section 39(h). Additionally, the Board will not reconsider its decision granting the Agency's motion to dismiss or its denial of Envirite's motion for leave to file a reply. The Board stands by its decision granting summary judgment in favor of Peoria and denying Envirite's cross motion for summary judgment. Envirite's motion for reconsideration is denied.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041) provides for the appeal of final Board orders 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 6<sup>th</sup> day of February, 1992 by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board