

ILLINOIS POLLUTION CONTROL BOARD  
November 5, 2009

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
)  
Complainant, )  
)  
v. ) PCB 97-193  
) (Enforcement - Land)  
COMMUNITY LANDFILL COMPANY, ) (consolidated)  
INC, )  
)  
Respondent. )

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PEOPLE OF THE STATE OF ILLINOIS, )  
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)  
Complainant, )  
)  
v. ) PCB 04-207  
) (Enforcement – Land)  
EDWARD PRUIM and ROBERT PRUIM, )  
)  
)  
Respondents. )

ORDER OF THE BOARD (by G.T. Girard):

On September 28, 2009, Community Landfill Company, Inc. and Edward Pruum and Robert Pruum (collectively respondents) filed a motion asking the Board to reconsider the August 20, 2009 opinion and order. The Board’s August 20, 2009 opinion and order found that respondents had violated several sections of the Environmental Protection Act (415 ILCS 5/1 *et seq.* (2008)) as well as the Board’s landfill regulations and permit conditions. On October 13, 2009, the People of the State of Illinois (complainant) filed a response opposing the motion to reconsider.

In ruling on a motion for reconsideration, the Board will consider factors including new evidence or a change in the law, to conclude that the Board’s decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County Board of Whiteside, PCB 93-156 (Mar. 11, 1993), we observed that “the 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., 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992). The Board finds that the motion to reconsider merely reargues the positions put forth by respondents in the substantial record considered by the Board in making the decision

that respondents had violated the Act, Board regulations and permit conditions. Thus, the respondents have not pointed to newly discovered evidence, changes in the law, or errors in the application of the existing law. Therefore, the motion to reconsider is denied.

On September 17, 2009, the Board granted a request to modify the Board's August 20, 2009 opinion and order by extending the deadline by which the civil penalties assessed were to be paid. The Board extended the deadline until "October 1, 2009 or until such date set by the Board when considering any motion to reconsider that may be filed." The Board directs the parties to pay all civil penalties within 30 days of the date of this order.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2008); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 20, 2009, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board