

The Board found that UPRC would not be materially prejudiced by defending both claims in a consolidated action. *Id.* The Board concluded that, under these circumstances, “severance would not further the convenient, expeditious, and complete determination of the claims in this case”. *Id.* at 7. The Board also stated that

“conducting two proceedings regarding alleged violations of the same NPDES Permit at the same facility by the same party would waste the resources of the Board and the parties involved. *Id.*”

PENDING MOTION AND RELATED FILINGS

On September 29, 2009, the respondent UPRC timely filed a motion for reconsideration of the Board’s August 20, 2009 order. Consistent with an October 1, 2009 hearing officer order, the People timely filed a response in opposition to the motion for reconsideration on October 23, 2009. On November 6, 2009, UPRC filed a reply in opposition to the People’s response to its motion, accompanied by a motion for leave to file. *See* 35 Ill. Adm. Code 101.500 (e). In the absence of a response by the People, the Board grants the motion for leave to file the reply. *See* 35 Ill. Adm. Code 101.500 (d).

ANALYSIS AND CONCLUSION

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. The Board has stated 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.” Citizens Against Regional Landfill v. County Board of Whiteside, PCB 92-156, slip op. at 3 (Mar. 11, 1993) (sanctions ruling in landfill siting appeal affirmed on reconsideration), citing the general rule set out in Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992) (review of trial court ruling on motion to reconsider).

After review of the filings, the Board finds that UPRC has produced no new evidence, citation to change in law, or convincing arguments that the Board misapplied existing law that would lead the Board to conclude that the August 20, 2009 order was in error. The Board accordingly denies UPRC’s motion for reconsideration. This matter must proceed expeditiously to hearing as a single action, consistent with orders of the hearing officer.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 3, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board