

ILLINOIS POLLUTION CONTROL BOARD
November 7, 2013

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 12-53
)	(IEPA No. 123-12-AC)
THOMAS E. PORTER, BEVERLY J. BIBLE,)	(Administrative Citation)
and TODD AND TABITHA BOOTEN d/b/a)	
C & T RECYCLING,)	
)	
Respondents.)	

ORDER OF THE BOARD (by D. Glosser):

On September 5, 2013, the Board found that Thomas E. Porter (Porter), Beverly J. Bible (Bible), and Todd and Tabatha Booten (Bootens) (collectively, respondents) violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (3) (2012))¹. The administrative citation was issued for alleged violations occurring at a facility located at 3302 Water Tower Road, Marion, Williamson County. The Board ordered the Illinois Environmental Protection Agency (Agency) and the Board to file statements of hearing costs so that those costs may also be assessed against the respondents and allowed respondents 21 days to respond to the costs..

On September 13, 2013, Porter and Bible filed a letter with the Board, which the Board will construe as a motion to reconsider the September 5, 2013 order. On September 13, 2013, the Board filed an affidavit of costs and on October 7, 2013, the Agency filed a statement of costs.

As to the letter filed by Porter and Bible, 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 has considered Porter and Bible's letter to be a request to reconsider our decision. While the Board sympathizes with Porter and Bible, the Board denies the request as the letter presents no new

¹ All citations to the Act will be to the 2012 compiled statutes, unless the provision at issue has been substantively amended in the 2012 compiled statutes.

evidence or a change in the law, which leads the Board to conclude that the Board's decision was in error.

Because the Board construed the Porter and Bible letter as a motion to reconsider, the Board will allow respondents an additional 21 days to respond to the costs. Any response to the costs filed by the Agency and the Board are therefore due December 2, 2013, the first business day after the 21st day after this order.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 7, 2013, by a vote of 4-0.

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 T. Therriault, Clerk
Illinois Pollution Control Board