

ILLINOIS POLLUTION CONTROL BOARD  
June 26, 2025

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
) PCB 13-72  
v. ) (Enforcement - Water)  
)  
PETCO PETROLEUM CORPORATION, )  
)  
Respondent. )

ORDER OF THE BOARD (by J. Van Wie):

On April 4, 2025, Petco Petroleum Corporation (Petco) filed a Motion for Reconsideration (Mot.) of a March 6, 2025 Board order denying Petco’s motion for certification of question for interlocutory appeal. On May 29, 2025, the People of the State of Illinois (People) filed their response (Resp.). For the following reasons, the Board denies Petco’s motion.

**RELEVANT PROCEDURAL HISTORY**

On January 1, 2023, Petco filed a motion to dismiss counts 62-73 of the first amended complaint. On August 22, 2024, the Board denied the motion to dismiss. On September 16, 2024, Petco filed a motion for reconsideration of the August 22, 2024 Board order, which the Board denied on December 5, 2024. Petco filed a motion for certification of question for interlocutory appeal on December 19, 2025. The Board denied this motion on March 6, 2025.

**MOTIONS TO RECONSIDER**

The Board’s procedural rules allow parties to file a motion for reconsideration of a Board order. 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 addition to these two grounds, the Board will consider whether it erred in applying existing law. Chatham BP v. IEPA, PCB 15-173, slip op. at 2 (Nov. 5, 2015), *citing* Korogluyan v. Chicago Title & Trust Co., 213 Ill.App.3d 622 (1st Dist. 1991). “[T]he 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 the hearing, changes in the law, or errors in the court’s previous application of the existing law.” Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC, PCB 13-15, slip op. at 8-9 (Feb. 6, 2020), *citing* Korogluyan v. Chicago Title & Trust Co. at 627 (1st Dist. 1991). A motion to reconsider may also specify “facts in the record which were overlooked.” Wei Enterprises v. IEPA, PCB 04-23, slip op. at 3 (Feb. 19, 2004).

## BOARD DISCUSSION AND FINDINGS

In support of its motion for reconsideration, Petco argues that the Board erred by finding in its March 6, 2025 order that the public interest exception applies to this action without having previously conducted the requisite three-factor analysis to make that finding. Mot. at 4. While error in applying existing law is a recognized ground for reconsideration (*see Chatham BP*, PCB 15-173, slip op. at 2), Petco’s argument fails for two reasons. First, Petco has misconstrued the findings in Board’s March 6, 2025 order. That order states:

In other words, even if the underlying litigation were to be characterized as a “civil enforcement action,” rather than an “administrative proceeding,” the 12 counts Petco seeks to time-bar by certification of its question *would still be subject to the well-established public interest exception analysis* on the application of the statute of limitations, regardless of forum. *See, e.g., John Crane Inc.*, PCB 01-76, slip op. at 5; *Pielet Bros. Trading, Inc.*, 110 Ill. App. 3d at 758; *People v. Am. Disposal Co. and Consol. Rail Corp.*, PCB 00-67 (May 18, 2000), slip op. at 2-3; *City of Chicago v. Latronica Asphalt & Grading, Inc.*, 346 Ill. App. 3d 264 (1st Dist. 2004).

People v. Petco, PCB 13-72, slip op. at 7 (March 6, 2025) (emphasis added).

At no point in the March 6, 2025 order did the Board make a finding that the public interest exception applies to this matter. *Id.* at 9. Second, Petco’s motion is asking the Board to reconsider its ruling on a motion for certification of question on interlocutory appeal, which is a procedural motion. *See* Mot. at 1, 13. Petco’s motion is not asking the Board to reconsider its findings in a substantive opinion. Instead, Petco alleges that the Board erred in making a substantive finding - that the public interest exception applies - in denying the procedural motion, as the basis for why the Board should reconsider its order. This argument does not address the actual findings of the March 6, 2025 order. The findings of the Board’s March 6, 2025 order pertain to the standards for a procedural motion for certification of question for interlocutory appeal and, as noted, do not make any substantive findings in this case. The Board thus finds that Petco’s argument does not constitute a proper ground for reconsideration of the Board’s March 6, 2025 order.

Further, a motion to reconsider must do more than merely reiterate arguments already made by the movant and rejected by the Board. After alleging that the Board erred by finding that the public interest exception applied, Petco repeats its arguments from its motion for certification of question on the applicability of Section 13-205 to support this motion for reconsideration. Mot. at II.-VI; *see also* Petco Motion for Certification of Question for Interlocutory Appeal, PCB 13-72 (Dec. 19, 2024). The Board already rejected these arguments in its March 6, 2025 order, as well as its August 22, 2024 order (denying Petco’s motion to dismiss counts 62-73 of first amended complaint) and December 5, 2024 order (denying Petco’s motion to reconsider August 22, 2024 Board order). Petco merely repeats in this filing arguments previously raised and rejected by the Board; therefore, the Board finds that Petco did not raise any new arguments or present new evidence in its motion to reconsider. The Board denies the motion.

**CONCLUSION**

Because Petco's motion for reconsideration does not state any proper grounds for reconsideration and merely repeats arguments that the Board rejected in its prior orders, the Board finds that Petco fails to meet the standards for reconsideration. The Board therefore denies Petco's Motion to Reconsider the Board's March 6, 2025 order.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 26, 2025, by a vote of 5-0.

  

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Don A. Brown, Clerk  
Illinois Pollution Control Board