

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2001

BRODERICK TEAMING COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 00-187
)	(UST – Fund Reimbursement)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

On May 14, 2001, respondent Illinois Environmental Protection Agency (Agency) filed a motion for reconsideration. The Agency requests that the Board reconsider its April 5, 2001 order granting summary judgment in favor of petitioner Broderick Teaming Company (Broderick). On June 4, 2001, Broderick filed a response opposing the Agency's motion. For the reasons that follow, the Agency's motion is denied.

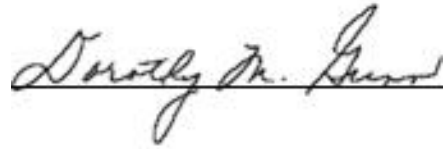
In ruling on a motion for reconsideration the Board will consider factors including new evidence, or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County Board of Whiteside (March 11, 1993), PCB 93-156, we 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).

We find that the motion presents the Board with no new evidence, change in the law, or any other reason to conclude that the Board's April 5, 2001 decision was in error.

The Board therefore denies the Agency's motion for reconsideration.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st of June 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board