ILLINOIS POLLUTION CONTROL BOARD January 23, 2003

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

On January 9, 2003, Vogue Tyre and Rubber Company (Vogue Tyre) filed a motion to reconsider. Vogue Tyre is asking the Board to reconsider a December 5, 2002 order that affirmed the Office of State Fire Marshal's (OFSM) denial of eligibility to access the underground storage tank reimbursement fund. On January 16, 2003, the (OFSM) filed a response.

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 (March 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 <u>Title & Trust Co.</u>, 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992). The Board finds that Vogue Tyre's motion to reconsider presents the Board with no new evidence, change in the law, or any other reason to conclude that the Board's December 5, 2002, decision was in error. Therefore the motion to reconsider is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2003, by a vote of 6-0.

Dorothy Mr. Gun

Dorothy M. Gunn, Clerk Illinois Pollution Control Board