ILLINOIS POLLUTION CONTROL BOARD November 20, 2003

VOGUE TYRE & RUBBER COMPANY,)	
Detticanon)	
Petitioner,)	
v.)	PCB 96-10
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On October 15, 2003, Illinois Environmental Protection Agency (Agency) filed a motion to reconsider. The Agency is asking the Board to reconsider a September 4, 2003 order that denied the Agency's motion for summary judgment because the record does not include sufficient facts for the Board to determine that the Agency is entitled to judgment as a matter of law. On November 3, 2003, Vogue Tyre and Rubber Company filed a response in opposition to the motion to reconsider.

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 finds that Agency'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 September 4, 2003 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 November 20, 2003, by a vote of 4-0.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board

Dorothy Tr. Gun