

ILLINOIS POLLUTION CONTROL BOARD

March 2, 2006

GRAND PIER CENTER LLC, and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of Grand Pier Center LLC,)	
)	
Complainants,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement - Land)
RIVER EAST LLC, CHICAGO DOCK AND)	
CANAL TRUST, CHICAGO DOCK AND)	
CANAL COMPANY, and KERR-MCGEE)	
CHEMICAL LLC,)	
)	
Respondents.)	

KERR-MCGEE CHEMICAL LLC)	
)	
Counter-Complainants,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement - Land)
GRAND PIER CENTER LLC, and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of Grand Pier Center LLC,)	
)	
Counter-Respondents.)	

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

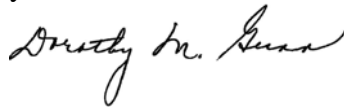
On January 30, 2006, Grand Pier Center LLC and American International Specialty Lines Insurance Company (Grand Pier) filed a motion for reconsideration with the Board. On February 8, 2006, Kerr McGee Chemical LLC (Kerr McGee)¹ filed a response in opposition to the motion to reconsider. Grand Pier is asking the Board to reconsider the January 5, 2006 order, in part. Specifically Grand Pier asks that the Board either reinstate one of Grand Pier's affirmative defenses or strike Kerr-McGee's alleged affirmative defense.

¹ On October 11, 2005, Kerr McGee filed a "Notice of Name Change" to Tronox LLC. However at this time, Kerr McGee has not filed a motion asking for the caption in the case to be amended. Further, as the filings at issue in this order began with Kerr McGee as the named party, the Board will continue to refer to the respondent, cross-complainant as Kerr McGee.

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 Grand Pier has presented no evidence or information on a change in the law that warrants reconsideration of the Board's January 5, 2006 order. Therefore, the motion for reconsideration 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 March 2, 2006, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board