

ILLINOIS POLLUTION CONTROL BOARD

March 1, 2007

BROADUS OIL,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	PCB 04-31
ILLINOIS ENVIRONMENTAL	)	PCB 05-43
PROTECTION AGENCY,	)	(UST Appeal)
	)	(Consolidated)
Respondent.	)	

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

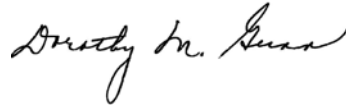
On February 5, 2007, Broadus Oil filed a motion for reconsideration asking the Board to reconsider the December 21, 2006 opinion and order affirming the Illinois Environmental Protection Agency's (Agency) denial for reimbursement. On February 13, 2007, the Agency filed a response opposing the motion 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 motion filed by Broadus Oil does not present new evidence or a change in the law that would indicate that the Board's decision was in error. Therefore, the motion to reconsider is denied.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 1, 2007, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board