

ILLINOIS POLLUTION CONTROL BOARD  
August 20, 1998

DAVID MULVAIN, )  
)  
Complainant, )  
)  
v. ) PCB 98-114  
) (Enforcement - Citizens, Water)  
VILLAGE OF DURAND, ROCKFORD )  
BLACKTOP CONSTRUCTION COMPANY,) )  
INC. and ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondents. )

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

On July 13, 1998, the complainant filed a motion for leave to file a motion to reconsider *instanter*. The Board granted the motion for leave to file on July 23, 1998. No response to the motion for reconsideration has been filed by any of the respondents.

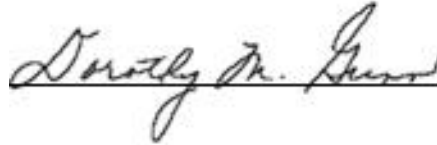
In ruling upon a motion for reconsideration, the Board is to consider factors including, but not limited to, error in the previous decision and facts in the record which are overlooked. 35 Ill. Adm. Code 101.246(d). In Citizens Against Regional Landfill v. County Board of Whiteside County (March 11, 1993), PCB 93-156, the Board stated that “[t]he 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 the 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, 572 N.E.2d 1154 (1st Dist. 1992).

The motion to reconsider is denied. The Board finds nothing in the motion to reconsider which persuades the Board that its decision of May 21, 1998, was in error, or that facts were overlooked.

IT IS SO ORDERED.

Board Member K. M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of August 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board