

ILLINOIS POLLUTION CONTROL BOARD
February 16, 1995

CITY OF WHEATON,)	
)	
Petitioner,)	
)	
v.)	PCB 94-18
)	(UST Fund)
OFFICE OF THE ILLINOIS STATE)	
FIRE MARSHAL,)	
)	
Respondent.)	

ORDER OF THE BOARD (C.A. Manning):

This matter is before the Board pursuant to a motion for reconsideration filed on January 4, 1995 by the City of Wheaton (City). The motion requests that we reconsider our opinion and order of December 1, 1994 wherein we granted summary judgment in favor of the Office of the Illinois State Fire Marshal (OSFM) and dismissed this case. On January 17, 1995, the OSFM filed a response requesting that the motion be denied. For the following reasons, we hereby deny the motion for reconsideration.

The City's motion does not meet the standard which guides our review of motions for reconsideration. The Board's procedural rule on motions for reconsideration directs that we consider factors including but not limited to "error in the decision and facts in the record which are overlooked." (35 Ill. Adm. Code 101.246(d).) Our own precedent also provides a standard upon which we decide motions for reconsideration. In Citizens Against Regional Landfill v. The County Board of Whiteside County we held, "[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." (Citizens Against Regional Landfill v. The County Board of Whiteside County (March 11, 1993) PCB 93-156, citing Korogluyan v. Chicago Title & Trust Co. (1st Dist. 1992), 213 Ill. App.3d 622, 572 N.E.2d 1154, 1158; see also, Leonard Carmichael v. Browning-Ferris et al. (December 16, 1993) PCB 93-114.)

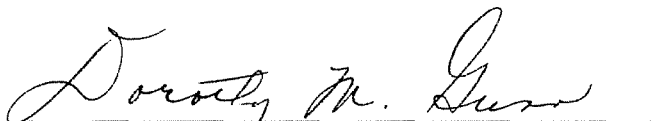
Each argument of the motion for reconsideration is rooted in an argument articulated in the City's briefs opposing summary judgment in this case. Even though the City does raise "error" with our application of the law, arguing that the OSFM had no authority to enter an administrative order "deregistering" an underground storage tank, this argument is not new, but is instead repetitive of the City's responsive filings which have been duly considered by this Board.

Accordingly, the City's motion for reconsideration is hereby denied.

IT IS SO ORDERED.

J.Yi abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16th day of February, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board