

ILLINOIS POLLUTION CONTROL BOARD
February 16, 1995

MARATHON OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 94-237
) (UST Fund)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

On January 13, 1995, Marathon Oil Company (Marathon) filed a Motion to Reconsider the Board's December 14, 1994 order and opinion. The motion was filed pursuant to 35 Ill. Adm. Code 101.246 and 101.300. This matter was originally before the Board on a motion for partial summary judgment filed by the Illinois Environmental Protection Agency (Agency) on November 2, 1994, and a reply and cross motion for partial summary judgment filed by Marathon on November 21, 1994. The motion for reconsideration asks the Board to reconsider its December 14, 1994 decision upholding the Agency's denial of \$93,911.80 in corrective costs.

In ruling upon a motion for reconsideration the Board is to consider, but is not limited to, error in the decision and facts in the record which may have been overlooked. (35 Ill. Adm. Code 101.246(d).) In Citizens Against Regional Landfill v. The County Board of Whiteside County (March 11, 1993), PCB 93-156, we 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. (1st Dist. 1992), 213 Ill. App.3d 622, 572 N.E.2d 1154,1158.)"

Marathon's motion for reconsideration does not present the Board with new evidence, a change in the law, or any other reason to conclude that the Board's December 14, 1994 decision was in error. Accordingly, the motion for reconsideration is hereby denied.

On January 27, 1995 Marathon filed a Motion for Voluntary Dismissal of the remaining claim for \$1,012.50. That motion is granted. This matter is hereby dismissed and this docket is accordingly closed.

IT IS SO ORDERED.

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 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board