

ILLINOIS POLLUTION CONTROL BOARD

August 10, 2000

IN THE MATTER OF:)	
)	
VEHICLE SCRAPPAGE ACTIVITIES, 35 ILL.)	R00-16
ADM. CODE 207)	(Rulemaking - Air)

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

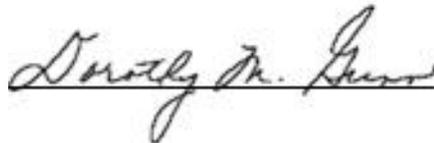
On July 14, 2000, the Illinois Environmental Protection Agency (Agency) filed a motion for reconsideration of the Board’s June 8, 2000 opinion and order adopting a rule pursuant to Section 13B-30(d) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law). 625 ILCS 5/13B-30(d) (1998). Specifically, the Agency asks that the Board reconsider its changes to the criteria for eligible vehicles which limit vehicles that may be scrapped to vehicles from model years more recent than 25 years old. The Board has received no response to this motion.

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 were 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 June 8, 2000, was in error, or that facts were overlooked. If the Agency believes that a rule change may still be necessary, the Agency may propose an amendment to the Board’s rules.

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 10th day of August 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board