

ILLINOIS POLLUTION CONTROL BOARD  
February 18, 1999

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 98-80  
) (Enforcement - Land)  
CRAIG LINTON, an individual, and )  
RANDY ROWE, an individual, )  
)  
Respondents. )

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

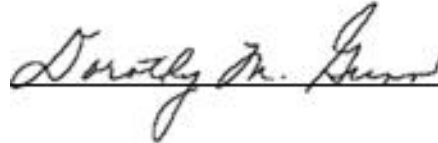
On January 4, 1999, the Board received a motion for reconsideration from complainant seeking reconsideration of the Board's order of December 3, 1998. The Board received no response to this motion. Complainant filed this enforcement action to obtain reimbursement of the cost of cleaning up an accumulation of used and waste tires pursuant to Section 55.3 of the Environmental Protection Act. See 415 ILCS 5/55.3 (1996). In its December 3, 1998 order, the Board denied complainant's motion for summary judgment because the Board found that there was an issue of material fact as to respondents' ownership of the site from which the used and waste tires were removed. Complainant seeks reconsideration of the Board's decision.

The purpose of a motion for reconsideration is to bring to the tribunal'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, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1991). Motions for reconsideration are governed by 35 Ill. Adm. Code 101.246. Under subsection 101.246(d), "[i]n ruling upon a motion [for reconsideration], the Board will consider factors including, but not limited to, error in the decision and facts in the record which are overlooked." The Board denies complainant's motion to reconsider. The Board notes that complainant is free, of course, to make whatever legal arguments it chooses to make after developing a full, factual record concerning the issues of ownership and operation. This matter shall proceed to hearing.

IT IS SO ORDERED.

Board Members K.M. Hennessey and M. McFawn concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of February 1999 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board