

ILLINOIS POLLUTION CONTROL BOARD

October 2, 1997

MARILYN J. RICHEY,	)	
	)	
Complainant,	)	
	)	PCB 97-148
v.	)	(Enforcement - UST)
	)	
TEXACO REFINING AND MARKETING,	)	
INC.,	)	
	)	
Respondent.	)	

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

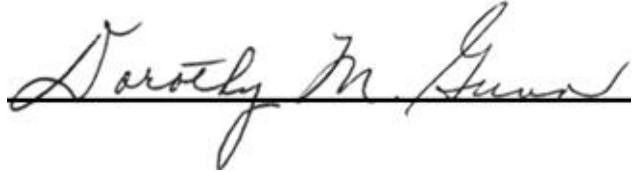
On August 29, 1997, respondent filed a motion to reconsider the Board's August 7, 1997 order. The August 7, 1997 order denied a motion by respondent to dismiss or in the alternative to stay this proceeding. The Board received a response from complainant on September 23, 1997. Respondent maintains that on June 20, 1997, an action was filed in Madison County by Chief's Quick Stop, Inc., a corporation. This case was removed by respondent to the United States District Court, Southern District of Illinois at East St. Louis, no. 97-675-WDS. Respondent asserts that complainant in this case controls the stock in the corporation and the filing of that action renders this proceeding duplicitous.

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 August 7, 1997, was in error, or that facts were overlooked. Therefore, this case shall proceed as ordered on August 7, 1997.

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 2nd day of October 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board