

ILLINOIS POLLUTION CONTROL BOARD
August 6, 1998

GORDON KRAUTSACK, an individual,)	
)	
Complainant,)	
)	
v.)	PCB 95-143
)	(Enforcement - Land, Citizens)
BHOGILAL PATEL, an individual,)	
SUBHASH PATEL, an individual, and)	
ELECTRONIC INTERCONNECT, INC.,)	
an Illinois corporation, and ELECTRONIC)	
INTERCONNECT CORPORATION, an)	
Illinois corporation,)	
)	
Respondents.)	

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

On July 16, 1998, respondent, Electronic Interconnect Corporation (EIC), filed a motion asking the Board to reconsider its July 8, 1998 order denying EIC's motion for extension of time to comply with the Board's August 21, 1997 remediation order. On July 21, 1998, Gordon Krautsack (petitioner) filed a response opposing EIC's motion.

In its motion, EIC provides 21 exhibits itemizing the tasks EIC performed, after retaining additional counsel, in an effort to comply with the Board's August 21, 1997 order. Among the exhibits provided is the work plan created by Versar, Inc., for the site investigation (Exhibit 3) which suggests EIC is making some progress towards remediation.

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).

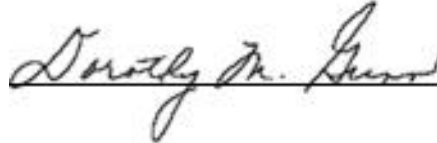
The motion for reconsideration is denied. The Board finds nothing in the motion for reconsideration that persuades the Board that its decision of July 8, 1998, was in error, or that facts were overlooked. But for three items of correspondence between the parties (Exhibits 18-20), all of the exhibits were available to EIC before the Board issued its July 8, 1998 order. The Board will not use the exhibits as a reason for granting EIC's motion for reconsideration when EIC has failed to provide the Board with any legal reason why the Board should grant the motion..

CONCLUSION

EIC's motion for reconsideration is denied. The matter shall be sent to hearing to address the remaining issue of penalties.

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 6th day of August 1998 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