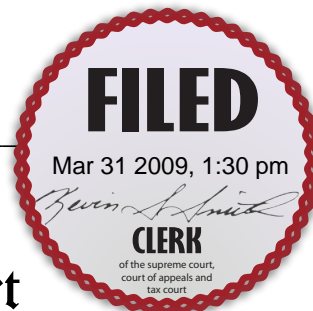


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**In the
Indiana Supreme Court**

No. 49S02-0804-CV-183

THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,

Appellant (Defendant below),

v.

RAYBESTOS PRODUCTS COMPANY,

Appellee (Plaintiff below).

Appeal from the Marion Superior Court, No. 49D12-0209-PL-1553
The Honorable Robyn Moberly, Judge

On Petition for Rehearing

March 31, 2009

Boehm, Justice.

Raybestos has petitioned for rehearing from this Court's December 9, 2008 opinion. Raybestos points out that the opinion incorrectly states the standard of review used by the Office of Environmental Adjudication in reviewing an action of IDEM. The first full paragraph of page 7 of the slip opinion states that OEA uses the standard of review provided by Indiana Code section 4-21.5-5-14 and may provide relief as permitted by section 4-21.5-5-15. Raybestos rightly points out that these statutes apply to judicial, not administrative review. We grant rehearing for

the limited purpose of correcting this error and otherwise deny Raybestos's Petition for Rehearing.

Shepard, C.J., and Dickson, Sullivan, and Rucker, JJ., concur.