

ILLINOIS POLLUTION CONTROL BOARD
June 4, 1992

MARTIN OIL MARKETING #64,)
)
Petitioner,)
)
v.) PCB 92-53
) (Underground Storage Tank Fund
) Reimbursement Determination)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

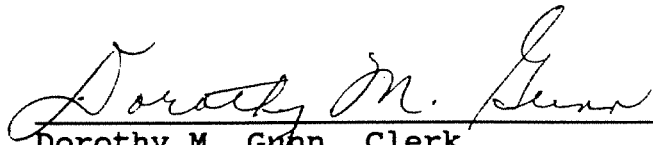
On May 21, 1992, the Agency filed a motion for summary judgment. On May 27, 1992 Martin filed a "motion to deny summary judgment", a pleading which is actually a response to the Agency's motion. On May 28, 1992, the Agency filed a motion for leave to correct a printer deletion in its May 21 motion; this motion is hereby granted.

The Board notes that hearing in this matter is presently scheduled for hearing on June 11, 1992.

The Agency's motion for summary judgment is denied. Although Martin's filing is not supported by affidavit, the Board is persuaded that a genuine issue of material fact may exist which precludes the grant of the requested summary judgment. Hearing shall proceed as scheduled.

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 4th day of June, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board