

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

CITY OF ROODHOUSE,)	
)	
Petitioner,)	
)	
v.)	PCB 92-31
)	(Underground Storage
ILLINOIS ENVIRONMENTAL)	Tank Reimbursement)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Nardulli):

This matter is before the Board on the Illinois Environmental Protection Agency's (Agency) March 16, 1992 motion to dismiss. On March 20, 1992, petitioner filed its response.

The Agency asks that the Board dismiss petitioner's petition for review of the Agency's decision disallowing reimbursement from the Underground Storage Tank Fund (Fund) for certain costs of cleaning up contamination from a leaking underground storage tank (UST). Citing Ideal Heating Co. v. IEPA (January 23, 1992), PCB 91-253, the Agency argues that the instant appeal is not ripe and should be dismissed.

According to petitioner, it will be submitting additional claims for reimbursement for corrective action costs. Petitioner requests that if dismissal is granted, the \$75 filing fee be waived when it refiles its petition for review and that the appeal be dismissed without prejudice.

In Ideal Heating, the Board ruled that Agency UST decisions are ripe¹ for Board review when the Agency has: (1) denied eligibility; or (2) granted eligibility and completed its deductible and reimbursement determinations. Consequently, Agency determinations on the deductible amount alone are no longer appealable. The Board reached this ruling based upon in part upon the desire to avoid piecemeal appeals. (Id. at 2.)

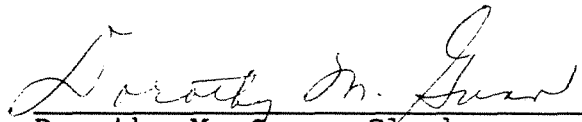
The Board declines to extend its holding in Ideal Heating to cases where the Agency has reached a determination on an applicant's claim for reimbursement of corrective action costs,

¹ The Board notes that the Agency states that, based on Ideal Heating, the Board is without jurisdiction to hear this matter and it must be dismissed. However, in Ideal Heating, the Board ruled that the UST appeals were not ripe for review until the Agency had completed its reimbursibility determination. The Board did not rule that it lacked jurisdiction over such appeals.

but other claims for the same site are still pending before the Agency or will be submitted in the future. While the Board has expressed a desire to avoid piecemeal appeals, the Board finds this goal has been achieved by the ruling in Ideal Heating. Because costs of corrective action can be great, it is important that claims for reimbursement be resolved as quickly as possible, even though other claims may be pending before the Agency. The Board will not promote administrative economy at the expense of environmental clean-up. Therefore, the Agency's motion to dismiss is denied.

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 26th day of March, 1992 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board