

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 1991

EDGEWOOD BANK TRUST 389	)	
(VERNON F. LA CHAPPELLE, Designee)	)	
as owner and operator of	)	
SCOTTY'S INCORPORATED,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 91-130
	)	(Underground Storage
ILLINOIS ENVIRONMENTAL	)	Tank Reimbursement)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):


On July 29, 1991, Edgewood Bank Trust 389 (Vernon F. La Chappelle, Designee), as owner and operator of Scotty's Incorporated, filed a petition for review of an Underground Storage Tank Reimbursement Determination.

On August 5, 1991, the Illinois Environmental Protection Agency ("Agency") filed a letter in which the Agency agrees that the \$100,000 deductible that was applied in this case should not have been applied. Having conceded that the \$100,000 deductible was incorrectly applied, the Agency seeks additional information in order to determine whether the \$10,000 or the \$50,000 deductible should apply.

The Agency states that if this case proceeds to hearing it will not support the \$100,000 deductible and the case will be remanded to the Agency. The Board construes the Agency letter as a confession of error. That confession of error renders the only conflict in this proceeding moot. Therefore Edgewood Bank Trust has prevailed in this proceeding. Accordingly, in the manner of summary judgement, this matter is remanded back to the Agency for a determination of the appropriate deductible and this matter is closed.

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 8<sup>th</sup> day of August, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board