

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1991

ALTON COMMUNITY UNIT SCHOOL)
DISTRICT #11,)
)
Petitioner,)
)
v.) PCB 91-1
) (Underground Storage Tank
ILLINOIS ENVIRONMENTAL) Reimbursement)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a motion for reconsideration filed March 5, 1991 by petitioner Alton Community Unit School District #11 (Alton).¹ By the instant motion, Alton asks that the Board reconsider its decision of February 7, 1991 finding that the Illinois Environmental Protection Agency (Agency) correctly determined that Alton's application for reimbursement from the Underground Storage Tank Fund (Fund) for corrective action costs is subject to a \$100,000 deductible rather than a \$10,000 and granting the Agency's motion for summary judgment.

Upon reconsideration, the Board finds that Alton has failed to raise any arguments which would alter the Board's determination that no genuine issues of material fact exist and that, as a matter of law, Section 22.18b(d)(3)(B)(i) of the Environmental Protection Act subjects Alton to a \$100,000 deductible because Alton registered its tanks after July 28, 1989. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.18b(d)(3)(B)(i).) Therefore, the relief requested by Alton is denied.

IT IS SO ORDERED.

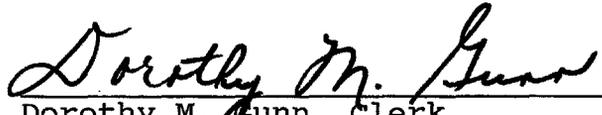
J.D.Dumelle abstains.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch 111 1/2, par. 1041) provides for appeal of final

¹ Because the Board denies Alton's motion for reconsideration, no prejudice will result from failing to wait to rule on this motion prior to the expiration of the Agency's response time. 35 Ill. Adm. Code 101.241(b).

Board Orders within 35 days. Rules of the Supreme Court of Illinois establish filing requirements.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certifies that the above Order was adopted on the 14th day of March, 1991 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board