

ILLINOIS POLLUTION CONTROL BOARD  
October 16, 1992

SUPERAMERICA GROUP, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-151
	)	(Underground Storage
ILLINOIS ENVIRONMENTAL	)	Tank Reimbursement)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Nardulli):

This matter is before the Board on an October 13, 1992 petition for review of the respondent's determination that petitioners' claim for reimbursement from the Underground Storage Tank Fund (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.18b) is subject to a \$50,000 deductible.

By the instant petition, petitioners contend that respondent incorrectly imposed a \$50,000 deductible and allege that a \$10,000 deductible is proper. In Ideal Heating v. IEPA (January 23, 1992), PCB 91-253, the Board held that Agency UST decisions are ripe for Board review only where: (1) the Agency has denied eligibility or; (2) the Agency found the applicant eligible and has also reached both the issue of the proper deductible and the reasonableness of costs. (See also, Village of Lincolnwood v. IEPA (June 4, 1992), PCB 91-83.)

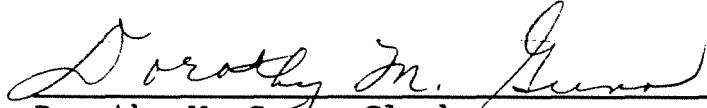
On September 8, 1992, the Agency determined that petitioners' claim is subject to a \$50,000 deductible. The Agency's September 8 letter establishes that it has not yet reached a determination as to which costs are reimbursable. Therefore, pursuant to Ideal Heating, the Agency's decision is not ripe for Board review and the instant appeal must be dismissed as premature.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1041) provides for the appeal of final Board orders within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also, 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Casteneda v. Illinois Human Rights Commission (1989), 132 Ill. 2d 304, 547 N.E.2d 437.)

0136-0423

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above order was adopted on the 16<sup>th</sup> day of October, 1992 by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board