

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1992

JOSEPH and PATRICIA SLAMPAK,)	
)	
Petitioners,)	
)	
v.)	PCB 92-139
)	(Underground Storage
ILLINOIS ENVIRONMENTAL)	Tank Reimbursement)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Nardulli):

This matter is before the Board on a September 29, 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 \$100,000 deductible.

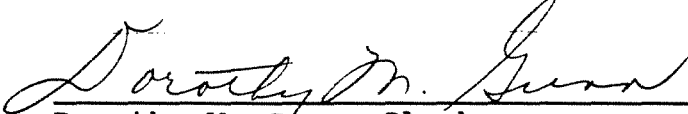
By the instant petition, petitioners contend that respondent incorrectly imposed a \$100,000 deductible and allege that a \$15,000 deductible proper. In Ideal Heating v. IEPA (January 23, 1992), PCB 91-253, the Board held that Agency UST decisions are ripe for Board review only where: (1) the Agency 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 August 20, 1992, the Agency determined that petitioners' claim is subject to a \$100,000 deductible. On September 3, 1992 the Agency notified petitioners that they are eligible for joint payment in excess of \$100,000. The September 3 letter also states that "[p]ursuant to Ill. Rev. Stat. 1989, ch. 111 [sic] Sec. 22.18 b(d)(4)(c) you are required to provide an accounting of all corrective action costs and demonstrate that the costs are reasonable." Therefore, the Agency will not accept billings from your contractors until you have reviewed them and stated in writing that to the best of your knowledge the costs and fees in the billings are reasonable." The Agency's September 3 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.

0136-0253

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above order was adopted on the 12th day of October, 1992 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board