

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1994

RTC INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 93-28
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by E. Dunham):

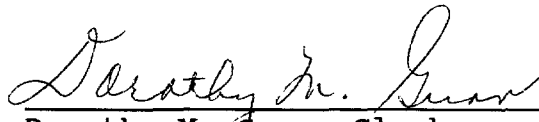
This matter comes before the Board on a Motion for Summary Judgment filed on May 18, 1994 by RTC Industries, Inc. (RTC). The Illinois Environmental Protection Agency (Agency) did not file a response to the motion.

This appeal contests the Agency's denial of eligibility. In a letter dated January 19, 1993, the Agency denied eligibility for a 10,000 gallon heating oil tank at RTC's facility at 3101 S. Kedzie Ave. in Chicago, Illinois. The Agency subsequently sent a letter to RTC dated April 14, 1994 stating that the 10,000 gallon heating oil tank was eligible for reimbursement. RTC seeks an order from the Board confirming that RTC is eligible for reimbursement from the Fund.

The effect of the April 14, 1994 letter from the Agency is to reverse the portion of the January 19, 1993 letter which RTC is appealing to the Board. As the reversal of the Agency's decision resolves the issue on appeal, the Board grants the motion for summary judgment. However, the Board makes no finding on the issue of eligibility of the tank as the record does not indicate the reason for the Agency's reversal of its prior decision nor does the motion address the issue of eligibility. This matter is hereby dismissed.

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 2nd day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board