

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

DOALL COMPANY, DOALL CREDIT)
CORPORATION, and THE)
RAMS-HEAD COMPANY,)
)
Complainants,)
)
v.) PCB 94-256
) (Enforcement-Land)
SKOKIE VALLEY ASPHALT)
COMPANY, INC., and)
SEPTRAN, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on an August 10, 1995 motion for reconsideration and supporting memorandum filed by complainants DoAll Company, DoAll Credit Corporation, and the Rams-Head Company (collectively, DoAll). In its motion, DoAll requests that the Board reconsider and modify its July 7, 1995 order to reinstate the cost recovery portion of DoAll's complaint conditioned upon DoAll's prompt dismissal of its action before the circuit court.

In our July 7, 1995 the Board found that the cost recovery portions of DoAll's complaint were duplicative of an action filed before the Circuit Court of Cook County, titled DoALL Company, et al., v. Mobil Oil Company, et al., No 94 L 11724. The Board therefore struck those portions of DoAll's complaint.

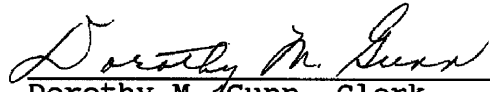
In support of its motion, DoAll states that it is willing to withdraw its circuit court action if the Board is willing to restate the costs recovery portions of its complaint. DoAll states that this would serve the interests of all concerned by efficiently adjudicating all claims in a single forum. DoAll cites the Board's rule at 35 Ill. Adm. Code 101.246(d).

We find that DoAll's motion presents the Board with no reason to change the Board's July 7, 1995 decision. Accordingly, DoAll's motion is denied.

IT IS SO ORDERED.

Chairman Claire A. Manning dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of September, 1995, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board