

ILLINOIS POLLUTION CONTROL BOARD  
August 26, 1993

STO-JO JOINT VENTURE, an )  
Illinois Corporation, )  
 )  
Petitioner, )  
 )  
v. ) PCB 93-146  
 ) (UST Fund)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by G. T. Girard):

This matter is before the Board on an August 9, 1993, petition for review of the respondent's determination that petitioners' claim for reimbursement from the Underground Storage Tank Fund (415 ILCS 5/22.186) is subject to a deductible.

By the instant petition, petitioners contend that respondent incorrectly imposed a \$100,000 deductible and allege that the decision is contrary to the applicable law. 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 July 6, 1993, the Agency determined that petitioners' claim is subject to a \$100,000 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 is 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. (See also, 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 30<sup>th</sup> day of August, 1993, by a vote of 6-0.

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