

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1993

FINKS & AUSTMAN,)	
)	
Petitioner,)	
)	
v.)	PCB 93-83
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

JERRY AUSTMAN APPEARED ON BEHALF OF PETITIONER; and

DANIEL MERRIMAN APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a petition for review filed May 6, 1993 by Finks & Austman pursuant to Section 22.18b(g) of the Environmental Protection Act (Act). (415 ILCS 5/22.18b(g)(1992).) Finks & Austman seeks review of an April 5, 1993 Illinois Environmental Protection Agency (Agency) decision disallowing some costs for which Finks & Austman sought reimbursement from the Underground Storage Tank Fund (Fund). A hearing was held on July 8, 1993, in Normal, Illinois. No members of the public attended.

This case arises from a reimbursement request submitted by Finks & Austman for costs incurred at several underground storage tanks in Lexington, McLean County, Illinois. In its petition, Finks & Austman requested review of three separate costs for which the Agency denied reimbursement from the Fund: \$672.50 in costs which the Agency stated were included in a previous reimbursement submittal, \$187.69 in ESE personnel costs (apparently a contractor), and \$37.75 in cellular phone charges and Federal Express charges.

At hearing, the Agency and Finks & Austman stated that they have reached an agreement on all three issues, and presented an oral stipulation. The Agency conceded that the \$672.50 in costs it had denied as already having been reimbursed had not, in fact, been paid. Thus, the Agency and Finks & Austman stipulated that \$672.50 is properly reimbursable from the Fund. Finks & Austman agreed to withdraw its request for reimbursement of \$187.69 in personnel costs and \$37.75 in cellular phone and Federal Express charges. (Tr. at 4-7.)

The Board will accept the stipulation entered by the parties. We note that the Agency agreed at hearing that the

\$672.50 sum will be added to the amount which Finks & Austman is currently awaiting payment, so that it will be paid at the same time as the other previously approved balance. (Tr. at 6-7.)

ORDER

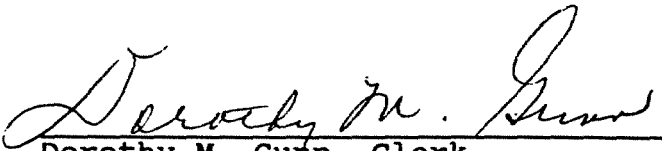
Based upon the stipulation entered by the parties at hearing, the Board directs the Agency to reimburse Finks & Austman for \$672.50 in costs denied as having previously been paid. Finks & Austman had agreed to withdraw its request for reimbursement of \$187.69 in personnel costs and \$37.75 in cellular phone and Federal Express charges.

This case is remanded to the Agency for disbursement of the \$672.50 amount. This docket is closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders. 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 opinion and order was adopted on the 5th day of August, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board