

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RDK VENTURES, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 27-
	)	(LUST – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

RDK Ventures, LLC
Attn: Ginger Huffman
1100 Situs Court, Suite 100
Raleigh, NC 27606

Jana Langnickel, Senior Program Manager
Pinnacle Environmental Management Support
329 Battleground Avenue
Greensboro, NC 27401
janalangnickel@pinnacleEMS.com

PLEASE TAKE NOTICE that I have today caused to be filed a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov
Dated: September 15, 2026

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RDK VENTURES, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 27-
	)	(LUST – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION	)	Extension)
AGENCY,	)	
Respondent.	)	

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to December 29, 2026, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On or about August 21, 2026, Illinois EPA issued a final decision to the Petitioner.
2. On September 9, 2026, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about August 26, 2026.

3. The additional time requested by the parties may eliminate the need for a hearing on this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five-day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: September 15, 2026

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 15, 2026, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Jana Langnickel, Senior Program Manager
Pinnacle Environmental Management Support
329 Battleground Avenue
Greensboro, NC 27401
janalangnickel@pinnacleEMS.com

Mail Service

RDK Ventures, LLC
Attn: Ginger Huffman
1100 Situs Court, Suite 100
Raleigh, NC 27606

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
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melanie.jarvis@illinois.gov



329 Battleground Ave.
Greensboro, NC 27401

Office: 336.907.2555
Fax: 866.209.4401
pinnacleems.com

September 9, 2026

Illinois Environmental Protection Agency
Bureau of Land
2520 West Iles Ave, P.O. Box 19276
Springfield, IL 62794-1021
Attn: Becky Fieldler

RE: **Extension of Appeal Deadline**
LPC #0318145011 – Cook County
Orland Hills / Circle K Store 4706794
16707 S. LaGrange Rd.
IEMA Incident 20240736--76005
Queue Date: November 25, 2025

Dear Ms. Fiedler:

Attached please find the Agency's decision letter for the above referenced claim related to emergency response/early action costs. Could you please submit the necessary form to the Pollution Control Board that will allow discussions of this review letter to exceed the 35 day deadline to file an appeal.

Please direct all Agency correspondence regarding this claim to me at JanaLangnickel@PinnacleEMS.com. Should you have any questions or require additional information, you may contact me directly at (954) 361-0099.

Sincerely,
PINNACLE ENVIRONMENTAL MANAGEMENT SUPPORT, INC.

A handwritten signature in cursive script, appearing to read "Jana Langnickel".

Jana Langnickel
Senior Program Manager



Electronic Filing: Received, Clerk's Office 09/15/2026 **PCB 2027-014**

Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

JB Pritzker, Governor

James Jennings, Director

(217) 524-3300

CERTIFIED MAIL

9589 0710 5270 0389 7126 14

AUG 21 2026

RDK Ventures, LLC
Attn: Ginger Huffman
1100 Situs Court, Suite 100
Raleigh, NC 27606

Re: 0318145011 -- Cook County
Orland Hills/Circle K Station 4706794
16707 S. LaGrange Road
Incident-Claim: 20240736 -- 76005
Queue Date: November 25, 2025
Leaking UST Fiscal File

Dear Ms. Huffman:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated November 21, 2025 and was received by the Illinois EPA on November 25, 2025. The application for payment covers the period from September 24, 2024 to December 14, 2025. The amount requested is \$519,724.14.

On November 25, 2025, the Illinois EPA received your application for payment for this claim. As a result of Illinois EPA's review of this application for payment, a voucher for \$413,951.03 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application(s) for payment.

The deductible amount of \$5,000.00 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

2125 S. First Street, Champaign, IL 61820 • 217-278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 • 618-346-5120
595 S. State Street, Elgin, IL 60123 • 847-608-3131
412 SW Washington Street, Suite D, Peoria, IL 61602 • 309-671-3022

115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
9511 Harrison Street, Des Plaines, IL 60016 • 847-294-4000
2309 W. Main Street, Suite 116, Marion, IL 62959 • 618-993-7200
4302 N. Main Street, Rockford, IL 61103 • 815-987-7760

Please print on recycled paper.

There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or need further assistance, please contact Nicole Howland at (217) 524-0435 or at Nicole.Howland@illinois.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Becky Fiedler", is written over the typed name and title.

Becky Fiedler
Unit Manager
Special Projects and Financial Unit
Leaking Underground Storage Tank Section
Bureau of Land

Attachments: Attachment A
Appeal Rights

c: Pinnacle EMS
Leaking UST Claims Unit

Attachment A
Accounting Deductions

Re: 0318145011 -- Cook County
Orland Hills/Circle K Station 4706794
16707 S. LaGrange Road
Incident-Claim: 20240736 -- 76005
Queue Date: November 25, 2025
Leaking UST Fiscal File

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$2,067.00, deduction for costs for laboratory analysis, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for laboratory analysis, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for laboratory analysis that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Rush charges for laboratory analysis exceed the minimum requirements of the Illinois EPA and lack documentation for reasonableness.

2. \$0.46, deduction for laboratory analysis costs that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

In addition, deduction for costs for laboratory analysis, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill.

Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for laboratory analysis that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Paint filter laboratory analysis exceeded the Subpart H maximum reimbursement amount and lacks documentation for reasonableness.

3. \$2,566.24, deduction for costs that are based on mathematical errors. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(bb). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

The costs requested under Remediation & Disposal total contained a math error. Based on provided documentation, this math error appears to be associated with another math error for Consulting Personnel. See item #13.

4. \$27,317.35, deduction for costs that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Additionally, deduction for costs for non-consulting personnel, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for non-consulting personnel, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for non-consulting personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Non-consulting personnel, which exceeded Subpart H rates for comparable titles, as well as overtime rates, are unreasonable, exceed maximum payment amounts, exceed the minimum requirements of the Illinois EPA, and lack sufficient supporting documentation.

5. \$6,992.00, deduction for costs for non-consulting personnel, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, deduction for early action costs for non-consulting personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

CDL driver lacked documentation and explanation for the number of hours requested. In addition, the hours requested for the CDL driver may break Federal Motor Carrier Safety Administration regulations.

6. \$29,891.58, deduction for costs for remediation materials, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for remediation materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for remediation materials that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Furthermore, deduction for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. The costs associated with Stake Truck and Drums are included in the Drum Disposal rate, for which a maximum rate of \$384.66 per drum applies. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

The service truck, stake truck, roll truck, PID, PPE, and fuel surcharges were all deducted from the remediation materials. All these costs exceed the minimum requirements of the Illinois EPA and lack documentation for reasonableness.

7. \$3,747.82, adjustment for costs associated with any corrective action activities, services, or materials that exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. The Stake truck and Drum rate has been reduced to \$384.66 per drum. The costs exceed the maximum payment amounts set forth in Subpart H, Appendix D, and/or Appendix E of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(zz). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

In addition, for costs for vehicle charges that lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

In addition, without supporting documentation, the rate requested for vehicle costs is unreasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

Pursuant to 35 Ill. Adm. Code 734.850(b), costs associated with activities that do not have a maximum payment amount set forth in Subpart H of 35 Ill. Adm. Code 734 must be determined on a site-specific basis, and the owner or operator must demonstrate to the Illinois EPA the amounts sought for reimbursement are reasonable.

Additionally, for costs approved by the Illinois EPA in writing prior to the date the costs are incurred, the applicable maximum payment amounts must be the amounts in effect on the date the Illinois EPA received the budget in which the costs were proposed. Once the Illinois EPA approves a cost, the applicable maximum payment amount for the cost must not be increased (e.g., by proposing the cost in a subsequent budget). Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.870(d)(1).

After applicable deductions were taken the Illinois EPA has added the Subpart H maximum reimbursement rate for the number of drums purchased/disposed and the use of the stake bed truck. 8 drums at \$384.66 is an addition of \$3,077.28. Additionally, after applicable deductions were taken for the service truck the Illinois EPA added

mileage at the Federal Mileage rate. Email confirmation concluded that 1,000.80 miles was applicable. 1,000.80 miles at \$0.67 is an addition of \$670.54.

8. None of the costs incurred from 1/22/25 to 1/31/25 are eligible for reimbursement. Early Action activities must be performed within the Illinois EPA-approved extension dates. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.210(g). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not site investigation or corrective action costs.

Based upon the above deduction, a deduction of \$1,655.20 was made.

In addition, deduction for costs for ET&D, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for ET&D that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

18.93 cubic yards of ET&D lack documentation and are past the extended early action time frame. Therefore, these costs are unreasonable.

9. \$3,595.82, deduction for costs for backfill, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, deduction for early action costs for backfill that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Provided documentation did not support the full number of cubic yards requested for reimbursement.

10. \$113.98, deduction for costs in which the owner or operator failed to justify that all costs are attributable to each underground storage tank at the site. Such costs are ineligible for payment from the Fund pursuant to Section 57.8(m)(2) of the Act and 35 Ill. Adm. Code 734.640.

In addition, deduction for costs for product removal, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for product removal, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for product removal that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Diesel and sludge removal during the excavation of piping is not eligible for reimbursement. It is not associated with an eligible tank, exceeds the minimum requirements of the Illinois EPA, and lacks documentation for reasonableness.

11. \$6,642.88, deduction for costs in which the owner or operator failed to justify that all costs are attributable to each underground storage tank at the site. Such costs are ineligible for payment from the Fund pursuant to Section 57.8(m)(2) of the Act and 35 Ill. Adm. Code 734.640.

In addition, deduction for costs for tank removal, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for tank removal that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

In addition, deduction for costs associated with any corrective action activities, services, or materials that were not accompanied by a copy of the eligibility and deductibility decision(s) made for the above-referenced occurrence(s) for accessing

the Fund pursuant to Section 57.8 of the Act and 35 Ill. Adm. Code 734.135(a), 734.605(b)(3), and 734.630(s).

The total provided documentation indicates that the total costs requested for tank removal was associated with the removal of seven tanks. Only four tanks were listed on the *UST Removal and Abandonment Costs Form*. Additionally, Tank #5 was previously abandoned; it is not listed on the Eligibility and Deductible letter, nor is it associated with the above referenced release. Therefore, the total costs for UST removal were adjusted.

12. \$10,000.00, deduction for costs for destruction or dismantling of an above grade structure or canopy, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may have been used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc).

In addition, the destruction or dismantling of an above grade structure or canopy was not approved by the Illinois EPA in writing prior to the destruction or dismantling of the above grade structure or canopy in accordance with 35 Ill. Adm. Code 734.625(a)(17).

In addition, deduction for costs for canopy demolition, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for canopy demolition that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

There was no prior approval of canopy demolition, it exceeds the minimum requirements of the Illinois EPA, and it lacks documentation for reasonableness.

13. \$2,566.27, adjustment for costs that are based on mathematical errors. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(bb). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

A mathematical error in the total for Personnel costs was discovered and added. It is noted that this addition is the same amount that was deducted from Remediation & Disposal. Therefore, the claim grand total is unaffected.

14. \$4,242.65, deduction for costs for personnel, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for personnel, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for personnel that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Costs associated with the sub-slab depressurization activities exceed the minimum requirements of the Illinois EPA and lack documentation for reasonableness.

15. \$11,184.77, deduction for costs for consultant's materials, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

In addition, deduction for costs for consultant's materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

Additionally, deduction for early action costs for consultant's materials that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Costs associated with the sub-slab depressurization activities exceed the minimum requirements of the Illinois EPA and lack documentation for reasonableness.

16. \$113.79, deduction for costs for consultant's materials, which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o) because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

In addition, deduction for early action costs for consultant's materials that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(ee).

Costs per bailer were reduced to \$8.00 each. In addition, the documentation provided did not support the full number of miles requested for reimbursement.

17. \$703.45, adjustment in the handling charges due to the deduction(s) of ineligible costs. Such costs are ineligible for payment from the Fund pursuant to Section 57.1(a) of the Act and 35 Ill. Adm. Code 734.635.

In addition, deduction for handling charges for subcontractor costs when the contractor has not submitted proof of payment for subcontractor costs. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630 (ii). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

Handling costs are not eligible for amounts that are not reimbursed by the Illinois EPA. In addition, hotel costs are not eligible for handling. Additionally, there are several invoices without proof of payment.

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Clerk of the Board
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605
(312) 814-3461

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
2520 West Iles Avenue
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544