

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,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 21, 2003

This filing submitted on recycled paper.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

SEP 19 2003

Waste Management of Illinois, Inc.
Attention: Mike Tunney
3800 South Laramie Avenue
Cicero, IL 60804

Re: LPC #0310515095 -- Cook County
 Cicero/Clearing Disposal
 3800 South Laramie
 LUST Incident #891673
 LUST FISCAL FILE

Dear Mr. Tunney:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from June 1, 2002 to March 31, 2003. The amount requested was \$26,858.92.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated June 7, 2002. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On May 29, 2003, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$11,088.06 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings requests are received by the Agency.

This constitutes the Agency's final action with regard to the above invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) and Section 40 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 of time 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

A

Page 2

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:

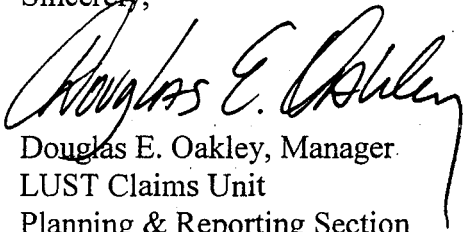
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions, please contact Kevin Mably of my staff or Melinda Friedel of Mike Lowder's staff at 217/782-6762.

Sincerely,



Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:KM:jk\031079.doc

Attachment

cc: DAI Environmental

Attachment A
Technical Deductions

Re: LPC #0310515095 -- Cook County
Cicero/Clearing Disposal
3800 South Laramie
LUST Incident #891673
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Item # Description of Deductions

1. \$5,663.03, deduction for an adjustment in costs due to a lack of supporting documentation. The owner/operator failed to demonstrate these costs were reasonable as submitted (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

DAI Invoice #14650 -- \$497.28 (Enviro Monitor Inv. #106010 dated August 31, 2002 – need more info on what these samples were for and when they were collected)
-- \$582.40 (Enviro Monitor Inv. #105999 dated August 31, 2002 – need more info on what these samples were for and when they were collected)
-- \$38.90 (excessive cost for copies – cut to \$50)
#14715 -- \$87.50 (Chris Cailles – excessive hours for file organization)
-- \$1,067.50 (Chris C. – TACO evaluation is to be performed during CACR preparation)
-- \$227.50 (David K. – excessive hours for data edit and review)
-- \$428.00 (Tom DePaul – senior personnel waiting and putting a report together)
#14771 -- \$380.00 (Chris C. – excessive hours/clerical work)
-- \$52.50 (Chris C. – excessive hours for edit/review)
-- \$262.50 (Chris C. – TACO evaluation is to be performed during CACR preparation)
-- \$122.50 (Chris C. – excessive hours for edits and mailing)
-- \$11.25 (Gina L. M. – duplication of work)
-- \$837.50 (James O. – excessive hours for drafting)
-- \$110.00 (Rick Vamos – TACO evaluation)
-- \$909.50 (Tom D. – senior staff assembly data, editing figures and performing TACO evaluation)
-- \$48.20 (excessive cost for copies – cut to \$50)

2. \$4,889.00, deduction for an adjustment in costs due to a lack of supporting documentation. The owner/operator failed to demonstrate these costs were reasonable as submitted (Section 22.18b(d)(4)(C) of the Environmental Protection Act). *Costs associated with a Phase II Investigation Report are not reimbursable since this report was never submitted. Please note that any such report would not be necessary since a Corrective Action Completion Report with a full TACO evaluation is to be submitted for this site showing the extent of contamination has been fully delineated.*

DAI Invoice #14584 -- \$665.00 (Chris Cailles)
-- \$56.25 (Gina L. M.)
-- \$625.00 (James O.)
-- \$347.75 (Tom DePaul)
#14650 -- \$927.50 (Chris C.)
-- \$137.50 (James O.)
#14684 -- \$1,120.00 (Chris C.)
-- \$200.00 (James O.)
#14715 -- \$105.00 (Chris C.)
-- \$191.25 (Gina L. M.)
-- \$325.00 (James O.)
-- \$55.00 (Rick Vamos)
-- \$133.75 (Tom DePaul)

3. \$1,119.85, deduction for an adjustment in costs due to a lack of supporting documentation. The owner/operator failed to demonstrate these costs were reasonable as submitted (Section 22.18b(d)(4)(C) of the Environmental Protection Act). *The last technical document submitted for this site was dated November 15, 2002. These costs may be eligible for reimbursement after additional technical documentation has been received*

DAI Invoice #14814 -- \$207.42 (12/1/02 to 1/31/03)
#14891 -- \$912.43 (2/1/03 to 3/31/03)

4. \$3,897.50, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act). *The owner/operator has not shown that the charges associated with GPS activities are necessary or can be justified as reducing overall costs for the site.*

DAI Invoice #14684 -- \$787.50 (Chris Cailles)
-- \$937.50 (James O.)
-- \$1,572.50 (John Houser)
-- \$600.00 (equipment costs)

5. \$90.23, deduction for costs which are not for Corrective Action activities. The owner/operator failed to demonstrate these costs were reasonable as submitted (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).

DAI Invoice #14684 -- \$19.76 (batteries, rags and sponges are not considered corrective action costs)
-- \$20.07 (batteries)
#14715 -- \$50.40 (EDR Inv. #871693 – Sanborn search has not been shown to be a required corrective action cost)

Total Technical Deductions - \$15,659.61

October 20, 2003

VIA FACSIMILE AND UPS DELIVERY

Mr. John J. Kim, Esq.
Division of Legal Counsel
Illinois Environmental Agency
1021 N. Grand Ave. East
Springfield, Illinois 62794-9276

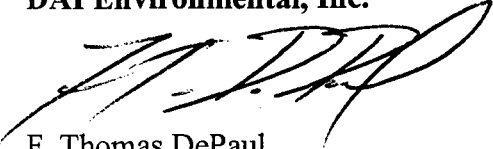
RECEIVED
Division of Legal Counsel
OCT 21 2003
Environmental Protection
Agency

**Re: Reimbursement Decision Appeal
LPC #0310515095—Cook County
Cicero/Clearing Disposal
3800 South Laramie
LUST Incident #891673
LUST FISCAL FILE**

Dear Mr. Kim:

This letter is to serve as a written request for a time extension for filing a petition before the Illinois Pollution Control Board regarding the Agency's final decision for reimbursement. This request is being filed on behalf of Waste Management of Illinois, Inc. (A copy of the decision is attached.)

Sincerely,
DAI Environmental, Inc.


F. Thomas DePaul

cc: Doug Oakley; LUST Claims Unit, IEPA
Lisa Grassl; Waste Management of Illinois, Inc.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 21, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

F. Thomas DePaul
DAI Environmental
Polo Park Business Center
27834 North Irma Lee Circle
Lake Forest, IL 60045-5130

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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