





3. The additional time requested by the parties may eliminate the need for a hearing in 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,  
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: November 24, 2004

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRANITE 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      RENE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

**7002 3150 0000 3114 7369**

OCT 27 2004

Farmer's State Bank and Trust  
Trustee for the Estate of Irene D. Steinheimer  
Attention: Robert Linde  
200 West State Street  
Jacksonville, IL 62651

Re: LPC #1370205072 -- Morgan County  
Jacksonville/Steinheimer Property  
1301 West Walnut  
LUST Incident #923370  
LUST FISCAL FILE

Dear Mr. Linde:

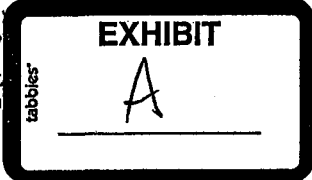
The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from November 11, 1992 to May 9, 2002. The amount requested was \$81,626.72.

The deductible amount to be assessed on this claim is \$10,000.00, which is being deducted from this payment. In addition to the deductible, there are costs from this request that are not being reimbursed. 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 June 1, 2004, 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 \$46,804.12 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-5955  
PEORIA - 595 South State, Peoria, IL 61614 - (309) 693-5161  
SPRINGFIELD - 4501 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397  
MARION - 2309 W. Ma



SPRINGFIELD - 4501 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397  
CHAMPAIGN - 25 South First Street, Champaign, IL 61820 - (217) 270-5800  
DECATUR - 118 N. 9th Street, Decatur, IL 62521 - (217) 424-7200

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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:

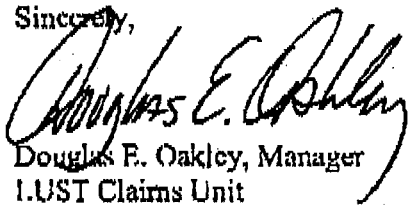
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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 Diana Gobelman of my staff at 217/782-6762.

Sincerely,

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

DEO:DLG:jk\0407212.doc

Attachment

cc: August Mack Environmental

Attachment A  
Accounting Deductions

Re: LPC #1370205072 -- Morgan County  
Jacksonville/Steinheimer Property  
1301 West Walnut  
LUST Incident #923370  
LUST FISCAL FILE

Item #      Description of Deductions

1.      \$24,822.60, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).  
  
Goodwin & Broms Invoices #10946, #11176, #11308, #11426, #11559; Western Asphalt Invoices #4575 and #4610; Daily Analytical Invoice #3979; and American Technical Invoice #S5019 no proof of payment provided - \$8,574.38  
Goodwin & Broms Invoice #13701 - drilling consumables and site visit consumables - \$75.00  
Western Environmental Invoice #118 - material and markup - \$946.53  
IT Corp. Invoice #98835 - field purchases - \$395.54  
IT Corp. Invoice #100437 - field purchases - \$630.71  
IT Corp. Invoice #110379 - field purchases, subcontractor costs - \$967.16  
IT Corp. Invoice #119669 - field purchases - \$694.90  
IT Corp. Invoice #122303 - subcontractor costs - \$2,559.70  
IT Corp. Invoice #127367 - field purchases, subcontractor costs - \$5,972.90  
Harry Walton Invoice #74 - subcontractor costs (typing services) - \$196.00  
Harry Walton Invoice #88 - subcontractor costs (ISWS and UPS charges on Philip Environmental invoice) - \$62.48  
Harry Walton Invoice #117 - subcontractor costs (miscellaneous costs and Heritage Laboratory charge on Illinois Power invoice) - \$291.52  
Harry Walton Invoice #418 - subcontractor costs (Harriss Drilling and analytical costs on Environmental Operations invoice) - \$1,530.78  
Harry Walton Invoice #446 - subcontractor costs (Envirovac costs on Environmental Operations invoice) - \$1,925.00

DEO:DI.G:jk0407212.doc



# HODGE • DWYER • ZEMAN

ATTORNEYS AT LAW

Edward W. Dwyer  
E-mail: edwyer@hdzlaw.com

November 24, 2004

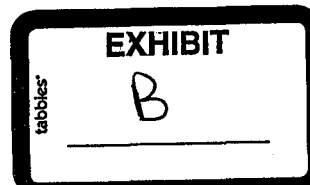
**VIA FACSIMILE**  
(Original via U.S. Mail)

John J. Kim, Esq.  
Associate Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

RE: LPC # 1370205072 Morgan County  
Estate of Irene Steinheimer  
1301 West Walnut Street  
LUST Incident No. 923370  
LUST FISCAL FILE  
Our File No. - STIN:001

Dear John:

On behalf of our client, the Estate of Irene Steinheimer ("Steinheimer"), and consistent with Section 40(a)(1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40 (a)(1)), we are requesting that the Illinois Environmental Protection Agency ("Agency") join Steinheimer in its request to extend the 35-day period for petitioning for an appeal of the Agency's October 27, 2004, final decision denying a portion of Steinheimer's request for reimbursement from the Leaking Underground Storage Tank ("LUST") Fund. Steinheimer hereby requests an extension for a total of 90 days from December 2, 2004 until March 2, 2005, in order to allow further discussions with the Agency regarding the technical and/or legal rationale for the Agency's denial letter.



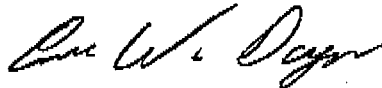
John J. Kim, Esq.  
November 24, 2004  
Page 2

In its October 27, 2004, letter, the Agency informed Steinheimer that it was denying \$24, 822.60 of its reimbursement request, primarily, for insufficient proof of payment to its contractors and subcontractors. Steinheimer believes that with some additional time, it can obtain proof of payment for some or all of the costs denied.

I have enclosed a copy of the Agency's denial letter for your review. Please contact me with any questions you may have regarding the request in this letter, and to inform me as to whether the Agency agrees to extend the time period for appeal. The deadline for filing an extension request with the Illinois Pollution Control Board is December 2, 2004.

Thank you for your cooperation in this matter.

Sincerely,



Edward W. Dwyer

EWD:cmw  
enclosure

pc: Mr. Darrow Steinheimer (via U.S. Mail; w/enclosure)  
Ms. Terri Hall (via Facsimile; w/o enclosure)  
David C. McCormack (via Facsimile; w/o enclosure)  
Mr. Greg Heuer (via Facsimile; w/o enclosure)

STIN:001/Corr/J. Kim Ltr - Request for Extension



## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 24, 2004, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies 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 Mail 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

Edward W. Dwyer  
Hodge Dwyer Zeman  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705-5776

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  
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217/782-9143 (TDD)