

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D. SLIGHTOM,)	
Petitioner,)	
)	
v.)	PCB 11-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

Patrick Shaw
Fred C. Prillaman
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board the MOTION FOR RECONSIDERATION copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
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: December 13, 2011

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D. SLIGHTOM,)	
Petitioner,)	
)	
v.)	PCB 11-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

MOTION FOR RECONSIDERATION

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.520 and 101.902, and by motion filed no later than 35 days following the Illinois EPA’s receipt of the November 17, 2011 order entered by the Illinois Pollution Control Board (“Board”), hereby respectfully moves the Board to reconsider its November 17, 2011 order, in that the Board erred in its application of existing law. In support of said motion, the Illinois EPA states as follows:

I. STANDARD FOR REVIEW

In reviewing a motion for reconsideration, the Board will consider factors including, but not limited to, error in the previous decision and facts in the record that were overlooked. Dewey’s Service, Inc. v. IEPA, PCB 99-107 (May 6, 1999). The intended purpose of a motion for reconsideration is to bring to the court’s attention, *inter alia*, errors in the court’s previous application of the existing law. Broderick Teaming Company v. IEPA, PCB 00-187 (June 21, 2001), p. 1 and Citizens Against Regional Landfill v. County Board of Whiteside County, PCB 93-156 (March 11, 1993); both citing to, Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 572 N.E.2d 1154 (1st Dist. 1992).

The Illinois EPA respectfully argues that the Board erred in its application of existing law, both statutory and regulatory, and therefore the Board's order of November 17, 2011 should be reconsidered and reversed in part.

II. THE ADMINISTRATIVE RECORD SHOULD NOT INCLUDE INFORMATION NOT BEFORE THE ILLINOIS EPA AT TIME OF DECISION

On November 17, 2011, the Illinois Pollution Control Board issued an order denying the Illinois EPA's Motion for Summary Judgment and directing the Illinois EPA to supplement the Administrative Record. The Illinois EPA filed the Administrative Record on June 15, 2011.

Section 105.212 of the Board's Regulations, 35 Ill. Adm. Code 105.212, sets forth the requirements of the Illinois EPA's record. Subsection (b) states that the record must include the following:

- a) Any permit application or other request that resulted in the Agency's final decision;
- b) Correspondence with the petitioner and any documents or materials submitted by the petitioner to the Agency related to the permit application.
- c) The permit denial letter that conforms to the requirements of Section 39(a) of the Act or the issued permit or other Agency final decision;
- d) The hearing file of any hearing that may have been held before the Agency, including any transcripts and exhibits; and
- e) Any other information the Agency relied upon in making its final decision.

The Illinois EPA admits that through an oversight, the October 29, 2010 final decision made by the Illinois EPA was not included in the record. That document is attached hereto and is offered for inclusion in the record. The other missing pages that the Board notes were copying

errors and those pages are also attached hereto. The Illinois EPA apologizes for these administrative errors.

The Illinois EPA technical staff did not rely upon the documents listed on pages 116-117 of the record. This is merely a copy of the tracking system that lists every document filed with the Illinois EPA. Mention of other documents in the record does not mean that the Illinois EPA considered those documents in making its final decision. All documents that are the subject of the October 29, 2010 decision are located in the record.

If every document in the Illinois EPA files pertaining to this site is required to be included in the Illinois EPA's record, the record would become vast and would contain superfluous documents. If these documents are included, the Illinois EPA would then have to move to supplement the record further with related documents in order to give the Board a clearer picture of the situation. If the Illinois EPA were required to file numerous copies of records containing all of the documents within its file, Illinois EPA resources would be overloaded.

The documents were not considered when making the decision and should be excluded from the Illinois EPA record. The Board has consistently held that documents not considered by the Illinois EPA when making its decision should not be included in the record. Knapp Oil v. Illinois EPA, PCB 2006-052, June 21, 2007; Novean Inc. v. Illinois EPA, PCB 2004-102, February 4, 2008; State Bank of Wittington v. Illinois EPA, PCB 1992-152, June 3, 1993.

III. ERROR IN DENYING MOTION FOR SUMMARY JUDGMENT

The Illinois EPA respectfully disagrees with the Board that Summary Judgment is not appropriate in this case. The Petitioner successfully muddied the issues to distract the Board from the clear and straight forward issue at hand. When there are two deductibles for a site,

which one applies? The statute and regulations are clear that the highest deductible applies. It matters not who the owner is at the time of the clean up and reimbursement. It matters not whether the different owners are related or not. One deductible applies per **SITE**, not per owner. A \$100,000 deductible was issued for this site. A second \$10,000 deductible was issued. The law states that the higher deductible applies. The law does not give a “unless” to allow for exigencies. The law does not say, “the higher deductible applies, unless (insert circumstance here).” There are two deductibles and the higher one applies. Simple, straightforward, and that statement fully explains the Illinois EPA decision in this case.

The Board erred in not granting Summary Judgment based upon the facts in this case and the straight forward applicable law.

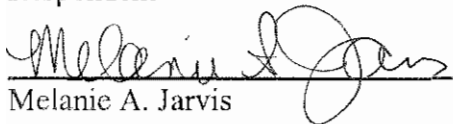
IV. CONCLUSION

The Illinois EPA respectfully requests that the Board reconsider its November 17, 2011 decision and grant Summary Judgment in favor of the Illinois EPA.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



Melanie A. Jarvis
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: December 13, 2011

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

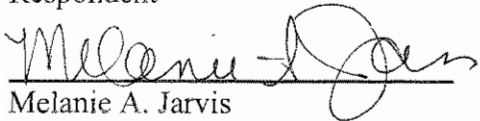
I, the undersigned attorney at law, hereby certify that on December 13, 2011, I served true and correct copies of a MOTION FOR RECONSIDERATION via the Board's COOL system and by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

Patrick Shaw
Fred C. Prillaman
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)



Electronic Filing - Received, Clerk's Office, 12/13/2011
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

MAR 25 2009

7008 1140 0004 7343 1023

Estate of Gerald D. Slightom
Attn: Richard D. Slightom
c/o Bill Nicheison
P.O. Box 290
Virden, Illinois 62690

Re: LPC #1170455005 -- Macoupin County
Girard/Robinson Service Station
103 N. 3rd Street
Leaking UST Incident No. 912456
Leaking UST Technical File

RECEIVED
MAR 25 2009
R...

Dear Mr. Slightom:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Stage 3 Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated January, 2009, was received by the Illinois EPA on March 4, 2009. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA has determined that the activities proposed in this plan are appropriate to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)). Therefore, the plan is approved.

The actual costs for Stage 2 were not submitted to the Illinois EPA. Please be advised that budget forms reporting the actual costs must be submitted to the Illinois EPA for review and approval, rejection, or modification prior to receiving payment from the Fund for any related costs (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). In addition, the proposed budget for Stage(s) 3 is approved for amounts determined in accordance with Subpart H, Appendix D, and Appendix E of 35 Ill. Adm. Code 734 (35 Ill. Adm. Code 734.310(b)). Costs must be incurred in accordance with the approved plan. Please be advised that costs associated with materials, activities, and services must be reasonable, must be consistent with the associated technical plan, must be incurred in the performance of corrective action activities, must not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and must not exceed the

Page 2

maximum payment amounts set forth in Subpart H, Appendix D, and Appendix E of Part 734 (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.510(b)).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, if payment from the Fund will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted. Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Site Investigation Completion Report within 30 days after completing the site investigation to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

If you have any questions or need further assistance, please contact Steve Putrich at 217/782-6762.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:SP:mls\092871.doc

Attachment: Attachment A

c: CSD Environmental Services
Leaking UST Claims Unit
BOL File

Attachment A

Re: LPC #1170455005 -- Macoupin County
Girard/Robinson Service Station
103 N. 3rd Street
Leaking UST Incident No. 912456
Leaking UST Technical File

SECTION 1

STAGE 3 Proposed Budget

Costs must be incurred in accordance with the approved plan and must be determined in accordance with 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E.

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.1(a) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

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no request
12/13/2011
12/1/08
Electronic Filing - Received, Clerk's Office, 12/13/2011
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 DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7007 3020 0002 3212 4090

OCT 01 2008

Estate of Gerald D. Slightom
Attn: Richard D. Slightom, Executor
c/o Bill Nichelson
P.O. Box 290
Virden, Illinois 62629

Re: LPC #1170455005 -- Macoupin County
Girard/Robinson Service Station
103 N. 3rd Street
Leaking UST Incident No. 912456
Leaking UST Technical File

Dear Mr. Nichelson:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Stage 3 Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated August, 2008, was received by the Illinois EPA on August 27, 2008. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA requires modification of the plan; therefore, the plan is conditionally approved with the Illinois EPA's modifications. The Illinois EPA has determined that the modifications listed below are necessary to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 734 (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a)).

1. The proposed soil boring monitoring well PMW-6 should be advanced farther south near the intersection of 3rd Street and Center Street.
2. Due to concentrations of metals (barium and chromium) exceeding concentrations indicative of background soils, samples collected from proposed borings PB-9, PMW-8, PMW-9 and PMW-10 must be submitted for analysis of these contaminants.

The actual costs for Stage 1 are approved for the amounts listed in Section 1 of Attachment A (Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b)). Be aware that the amount of payment from the Fund may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 734.630 and 734.655.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

In addition, the proposed budget for Stage(s) 3 is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). The modifications are listed in Section 2 of Attachment A. Costs must be incurred in accordance with the approved plan. The maximum amounts that can be paid from the Fund must be determined in accordance with Subpart H, Appendix D, and Appendix E of 35 Ill. Adm. Code 734 (35 Ill. Adm. Code 734.310(b)). Please be advised that costs associated with materials, activities, and services must be reasonable, must be consistent with the associated technical plan, must be incurred in the performance of corrective action activities, must not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and must not exceed the maximum payment amounts set forth in Subpart H, Appendix D, and Appendix E of Part 734 (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.510(b)).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, if payment from the Fund will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted. Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Site Investigation Completion Report within 30 days after completing the site investigation to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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

Page 3

If you have any questions or need further assistance, please contact Steve Putrich at 217/782-6762.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lowder". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Lowder".

Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:SP:mis\081043.doc

Attachment: A
Appeal Rights

c: CSD Environmental Services, Inc.
Leaking UST Claims Unit
BOL File

Attachment A

Re: LPC #1170455005 -- Macoupin County
Girard/Robinson Service Station
103 N. 3rd Street
Leaking UST Incident No. 912456
Leaking UST Technical File

SECTION 1

STAGE 1 Actual Costs

The following amounts are approved:

\$5,523.23	Drilling and Monitoring Well Costs
\$11,143.62	Analytical Costs
\$1,588.08	Remediation and Disposal Costs
\$0.00	UST Removal and Abandonment Costs
\$0.00	Paving, Demolition, and Well Abandonment Costs
\$8,538.61	Consulting Personnel Costs
\$642.27	Consultant's Materials Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

STAGE 3 Proposed Budget

Costs must be incurred in accordance with the approved plan and must be determined in accordance with 35 Ill. Adm. Code 734.Subpart H, Appendix D, and Appendix E.

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.635.

SECTION 2

STAGE 3 Modifications

1. The actual budget costs for Stage 3 Site Investigation activities (when submitted) may be adjusted to include the following additional costs so that the costs are consistent with the associated technical plan, as modified by the Illinois EPA (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b)).
 - soil metals analysis

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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 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 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, IL 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
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

SP/mls/081043.doc



Electronic Filing - Received, Clerk's Office, 12/13/2011

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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL #

JAN 29 2009

7007 3020 0002 3212 5950

Estate of Gerald D. Slightom
Attn: Richard D. Slightom
C/o CSD Environmental Services, Inc.
P.O. Box 20912
Springfield, Illinois 62708-0912

Re: LPC #1170455005 -- Macoupin County
Girard/Estate of Gerald Slightom-Robinson Service Station
103 North 3rd Street
Leaking UST Incident No. 912456--55424
Queue Date: 10/20/08
Leaking UST Fiscal File

RELEASEABLE

10/20/08

REVIEWED MD

Dear Mr. Slightom:

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 Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code 734.Subpart F. This application for payment is dated October 15, 2008 and was received by the Illinois EPA on October 20, 2008. It covers the period from February 11, 2008 to October 2, 2008. The amount requested is \$29,239.08.

As a result of the Illinois EPA's review of the application for payment, a voucher for \$19,239.08 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Illinois EPA received the application for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

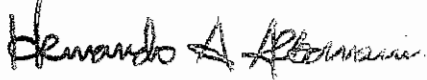
The deductible amount of \$10,000 was withheld from your payment. Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9 of the Act, shall be subtracted from any payment invoice paid to an eligible owner or operator.

ROCKFORD -- 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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 require further assistance, please contact Mark T. Books of my staff at 217/782-6194.

Sincerely,



Hernando A. Albarracin, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:MTB

Attachment: Appeal Rights

c: Leaking UST Claims Unit

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 57.8(i) 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 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 request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

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



Electronic Filing Received Clerk's Office 12/13/2011
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

OCT 29 2010

CERTIFIED MAIL #

7009 2820 0001 7494 3820

Estate of Gerald D. Slightom
Attn: CSD Environmental Services, Inc.
PO Box 20912
Springfield, IL. 62708-0912

Re: LPC 1170455005 -- Macoupin County
Girard / Robinson Service Station
103 North 3rd Street
Incident-Claim No.: 912456 -- 58989
Queue Date: July 19, 2010
Leaking UST Fiscal File

RELEASABLE

DEC 01 2010

REVIEWER MD

Dear Mr. Slightom:

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 Illinois Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated July 14, 2010 and was received by the Illinois EPA on July 19, 2010. The application for payment covers the period from May 19, 2008 to June 30, 2010. The amount requested is \$83,912.58.

On July 19, 2010, the Illinois EPA received your complete application for payment for this claim. As a result of the Illinois EPA's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date 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.

Pursuant to 35 Ill. Adm. Code Part 734.615(b)(4) where more than one deductible determination has been made, the higher deductible shall apply. On December 20, 1991 the Illinois Environmental Protection Agency issued an Eligibility and Deductibility Determination of \$100,000.00 for this site. A second Eligibility and Deductibility Determination of \$10,000.00 was issued on February 6, 2008 by the Office of the State Fire Marshal. The Illinois

Page 2

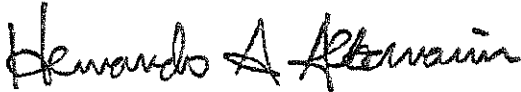
Environmental Protection Agency has determined that the \$ 100,000.00 deductible applies to this site.

Pursuant to 35 Ill. Adm. Code Part 734.660(a) the Illinois Environmental Protection Agency is notifying you that an excess payment was approved in the Illinois Environmental Protection Agency's letter dated January 29, 2009. The excess payment is for \$ 19,239.08. a portion of the \$100,000.00 deductible that was not withheld from your payments.


A portion of the deductible, \$10,000.00, was withheld from the claim received by the Agency on October 20, 2008 for \$ 29,239.08. The costs from this claim for \$ 83,912.58 have also been applied to the deductible, leaving a balance of \$6,091.27 to be met from future submittals. 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.

If you have any questions or require further assistance, please contact Catherine S. Elston of my staff at 217-785-9351 or Brian Bauer of my staff at 217-782-3335.

Sincerely,



Hernando A. Albarracin, Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:CSE 

c: Leaking UST Claims Unit
Cathy Elston
Brian Bauer

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Sent To: Estate of Gerald D. Slightom
 Street, or P.O. #: Attn: CSD Environmental Services Inc
 City, St: P.O. Box 20912
 Springfield, IL 62708-0912

PS Form 3800, August 2005 See Reverse for Instructions



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1. Article Addressed to:

Estate of Gerald D. Slightom
 Attn: CSD Environmental Services Inc
 P.O. Box 20912

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