

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EAST-WEST PROPERTIES, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-072
)	(LUST Fund Appeal)
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING/PROOF OF SERVICE

Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218
E-mail: don.brown@illinois.gov

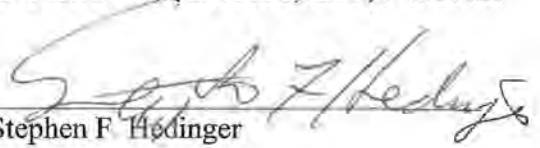
Bradley P. Halloran
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60 E. Van Buren Street, Suite 630
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Richard Kim
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1021 North Grand Avenue East
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Springfield, IL 62794-9276
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PLEASE TAKE NOTICE that on March 27, 2025, I electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Petitioner's First Set of Interrogatories, a copy of which is herewith served upon the above parties of record or of interest in this cause. The undersigned hereby certifies that a true and correct copy of this Notice of Filing/Proof of Service,

together with a copy of the document described above, were today served on Respondent and the assigned Hearing Officer by electronic and/or physical mail to the addresses listed above, on this 27th day of March, 2025.

Respectfully submitted,
EAST-WEST PROPERTIES, LLC, Petitioner

By: 
Stephen F. Hedinger

Sorling Northrup
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PETITIONER'S FIRST SET OF INTERROGATORIES

NOW COMES Petitioner, EAST-WEST PROPERTIES, LLC, through its undersigned attorneys, Sorling Northrup, Stephen F. Hedinger of counsel, and pursuant to 35 Ill. Adm. Code 101.616, and as authorized by Hearing Officer Order of March 6, 2025, hereby serves upon Respondent, Illinois Environmental Protection Agency, its first set of interrogatories. Please serve your answers upon counsel for Petitioner, under oath, within 28 days of the date of service of these interrogatories.

Definitions

1. "You" means the Illinois Environmental Protection Agency, also known and referred to as the "Illinois EPA," and includes all agents, employees, attorneys, management, staff, and any other person acting on behalf of the Illinois EPA in relation to any issue relevant to these interrogatories. "Your" is the possessive form of You as defined herein.

2. "This Matter" means this captioned appeal to the Illinois Pollution Control Board from a final decision of the Illinois EPA from the request for reimbursement from the Leaking Underground Storage Tank Fund submitted by the Petitioner, East-West Properties, LLC.
3. The "Reimbursement Request" means the application for payment from the Leaking Underground Storage Tank Fund for the Incident-Claim No. 20230615-74311 submitted to You by correspondence dated November 1, 2023, seeking payment of a total of \$143,078.97.
4. The "Final Action" means the letter issued by You, dated April 4, 2024, in response to the Reimbursement Request.
5. The "Record" means the administrative record You filed with the Illinois Pollution Control Board on September 9, 2024, in This Matter.

Interrogatories

1. Identify all persons providing information responsive to these interrogatories, including the name and title of the person and the interrogatories for which information was provided.

Answer:

2. Identify by date, amount billed and approved, and person or persons who performed the work on behalf of East-West Properties, LLC, all amounts requested in the Reimbursement Request for labor that You believe to have been performed and/or documented in accordance with statutory and regulatory requirements and eligible for reimbursement, and for each such identification, state the reasons for Your belief.

Answer:

3. Identify by date, amount billed, and the person or persons who performed the work on behalf of East-West Properties, LLC, all amounts requested in the Reimbursement Request for labor that you believe not to have been performed and/or documented in accordance with statutory and regulatory requirements and not eligible for reimbursement, and for each such identification, state the amount that You believe not to be eligible for reimbursement, and the reasons for Your belief.

Answer:

4. Identify any and all information, including documents included and documents not included in the Record, verbal information, or information of any other type and from any other source, upon which You relied in rejecting and deducting from amounts approved for payment from the Reimbursement Request the following amounts set forth in Attachment A to the Final Action:

Paragraph 6 of Attachment A -- \$8,913.99

Paragraph 8 of Attachment A -- \$450.00

Answer:

5. State and explain the basis for the statements included on Bates page 590 of the Record, in the seventh line from the bottom, that:

“Cut 10.50 hours for Keebler (sr pm) on 9/26 (backfill activities)
-Lacks doc, unreasonable, exceeds req. associated w/tank install”

Answer:

6. State and explain the basis for the statements included on Bates page 590 of the Record, in the fifth line from the bottom, that:

“Cut 9.5 hours for Keebler (sr pm) on 9/27 (backfill activities)
-Lacks doc, unreasonable, excess req., associated w/tank install”

Answer:

7. State and explain the basis for the statements included on Bates page 590 of the Record, in the second line from the bottom, that:
“Cut 450.00 for PID: Lacks doc, unreasonable”

Answer:

8. State and explain in detail the bases and reasons supporting the statements included in the second, fifth, and sixth paragraphs of the paragraph number 6 of Attachment A of the Final Action, and identify all information, facts, and sources of information supporting the statements, as well as all assumptions You made to support the statements. Without limiting the scope of this interrogatory, in particular state and explain in detail the bases and reasons supporting the assertions that identified activities “are associated with the installation of new USTs, the repair of existing USTs, and/or removal and disposal of USTs determined to be ineligible by the Office of the State Fire Marshal,” and that identified hours of Senior Project Manager time “are associated with new tank installation.”

Answer:

9. State and explain in detail the bases and reasons supporting the statements included in paragraph number 9 of Attachment A of the Final Action, and identify all information, facts, and sources of information supporting the statements, as well as all assumptions You made to support the statements. Without limiting the scope of this interrogatory, in particular state and explain in detail the bases and reasons supporting the assertions that there is “no supporting documentation” for the identified costs, and that “[t]here is insufficient documentation to support PID usage.”

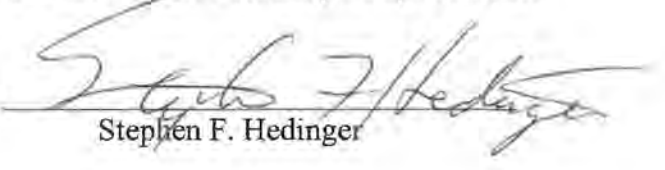
Answer:

Dated: March 27, 2025

Respectfully submitted,

EAST-WEST PROPERTIES, LLC, Petitioner

By:


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