

Following are costs that are not approved for payment and the reasons the costs are not approved:

1. \$60,229.30, deduction for costs for the removal, treatment, transportation, and disposal of more than four feet of fill material from the outside dimensions of the UST, as set forth in 35 Ill. Adm. Code 734.Appendix C, during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f), and/or costs for the replacement of contaminated fill materials with clean fill materials in excess of the amounts set forth in 35 Ill. Adm. Code 734.Appendix C during early action activities conducted pursuant to 35 Ill. Adm. Code 734.210(f). Such costs are ineligible for payment from the Fund pursuant to Section 57.6(b) of the Act and 35 Ill. Adm. Code 734.630(a).
2. \$35,968.00, deduction for costs for backfill, 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).
3. \$33,299.20, deduction for costs for overburden 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).
4. \$10,000.00, deduction for costs for canopy and service station 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).
5. \$10,034.84, 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. In addition, handling charges will not be paid for subcontractor costs that have been billed directly to the owner or operator. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(hh). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not reasonable.

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



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

APR 29 2009

CERTIFIED MAIL #

7008 1140 0004 7344 2937

2001 Oil Company
Michael Eiserman
5333 Birchwood Avenue
Skokie, Illinois 60077

Re: LPC #0312015067—Cook County
Niles/ 2001 Oil Company
8001 Golf Road
Incident-Claim No.: 20080626—56482
Queue Date: March 24, 2009
Leaking UST Fiscal File

Dear Mr. Eiserman:

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 March 20, 2009 and was received by the Illinois EPA on March 24, 2009. It covers the period from May 7, 2008 to August 15, 2008. The amount requested is \$266,776.72.

As a result of the Illinois EPA's review of the application for payment, a voucher for \$107,245.38 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 \$10,000.00 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.

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 Brad Dilbaitis of my staff at (217) 785-8378.

Sincerely,

A handwritten signature in black ink that reads "Hernando A. Albarracin". The signature is written in a cursive style with a large initial 'H'.

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

HAA:BJD

Attachment: Appeal Rights

c: ISO Technologies
Leaking UST Claims Unit



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JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217)782-5544
(TDD: 217-782-9143)

Author's Direct Line: (217)782-9827
E-Mail: william.ingersoll@illinois.gov
Telefax: 217-782-9807

May 28, 2009

Michael H. Eiserman
2001 Oil Company
5333 Birchwood Avenue
Skokie, IL 60077

Re: LPC # 0312015067 – Cook County
Niles/2001 Oil Company
8001 Golf Road
LUST Incident No. 20080626

Dear Mr. Eiserman:

The Illinois Environmental Protection Agency (“Illinois EPA”) is in receipt of your May 26, 2009 letter requesting a 90-day extension to the 35-day appeal period in regards to an April 29, 2009 decision regarding the above site and incident. The request is DENIED. It does not appear likely that the additional time would result in a resolution. The deadline for filing any appeal of this matter remains at June 8, 2009 based upon a May 4, 2009 received date of the decision.

Sincerely,

William D. Ingersoll, Manager
Enforcement Programs

cc: Hernando Albarracin, BOL/LUST
BOL Records Unit