



**Office of the Illinois
State Fire Marshal**

6/21/2019

Mark Phillips/Environmental Management Consultants
427 Main Street
Evansville, IN 47708

In Re: Facility No. 7009260
IEMA Incident No. 20190413
Shell Food Carnival & Carwash
105 E. 9th Street
Mount Carmel, Wabash, IL 62863

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on June 21, 2019 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are ineligible to seek payment of costs of corrective action or indemnification associated with the following tanks:

Tank 7 6016 gallon #2 Fuel Oil

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:
 - "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law
 - Aviation fuel
 - Heating oil
 - Kerosene
 - Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.
4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

You are ineligible for reimbursement from the fund for the following reason(s):

Tank 7 6016 gallon #2 Fuel Oil - Applicant is not an Owner or Operator - (415 ILCS 5/57.9) .

This constitutes the final decision as it relates to your eligibility and the set deductible. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of issuance of the final decision, (35 Illinois Administrative Code 105.504(b)).

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

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

The following tanks are also listed for this site:

Tank 1 8000 gallon Gasoline
Tank 2 8000 gallon Gasoline
Tank 3 8000 gallon Gasoline
Tank 4 8000 gallon Gasoline
Tank 5 5000 gallon Diesel Fuel
Tank 6 2000 gallon #2 Fuel Oil
Tank 8 4000 gallon Gasoline
Tank 9 4000 gallon Gasoline
Tank 10 6000 gallon Gasoline
Tank 11 1000 gallon Diesel Fuel
Tank 12 560 gallon Used Oil
Tank 13 4000 gallon

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020.

Sincerely,



Deanne Lock

Division of Petroleum and Chemical Safety