



**OFFICE OF THE ILLINOIS  
STATE FIRE MARSHAL**

**JB Pritzker, Governor  
Matt Perez, State Fire Marshal**

6/10/2022

100 Chicago Ave, LLC  
C/O Brian Goldberg  
2234 W. North Ave.  
Chicago, IL 60647

In Re: Facility No. 2046728  
IEMA Incident No. 20180972  
100 Chicago Ave, LLC  
136 Chicago Avenue  
Evanston, Cook, IL 60202

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on June 09, 2022 for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

You have filed an "Election to Proceed as Owner" and have received acceptance from the Illinois Environmental Protection Agency. It has been determined, therefore, that you are eligible to seek corrective action costs in excess of \$5,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 1 4000 gallon Gasoline  
Tank 2 1000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

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

Tank 3 550 gallon Gasoline

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 3 550 gallon Gasoline - Not in operation at any time since 1/2/74 - (430 ILCS 15/4), (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 4 1000 gallon Gasoline - Regular  
Tank 5 1000 gallon Gasoline - Regular  
Tank 6 600 gallon Gasoline - Regular

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