

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 16 2014

STATE OF ILLINOIS
Pollution Control Board

THE PREMCOR REFINING GROUP INC.,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 14- 130
(LUST Appeal – Ninety Day
Extension)

 ORIGINAL

NOTICE

John Therriault
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Craig Gocker
Foth Infrastructure & Environment, LLC
2314 West Altorfer Drive
Peoria, Illinois 61615

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Deputy General Counsel

Dated: May 13, 2014
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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THE PREMCOR REFINING)
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PROTECTION AGENCY,)
Respondent.)

PCB No. 14- 130
(LUST Appeal – Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Deputy General Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to August 13, 2014, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On April 8, 2014, the Illinois EPA issued a final decision to the Petitioner.
2. On May 6, 2014, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about April 10, 2014.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson
Deputy General Counsel

Dated: May 13, 2014

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

APR 08 2014

CERTIFIED MAIL #

7012 0470 0001 2974 7694

The Premcor Refining Group, Inc.
Attn: Timothy J. Mauntel
201 East Hawthorne Street
Hartford, IL. 62048

Re: LPC #1150155305 -- Macon County
Decatur / Clark #731
1092 West Grand Avenue
Incident-Claim No.: 942889 -- 64187
Queue Date: February 14, 2014
Leaking UST Fiscal File

Dear Mr. Mauntel:

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 January 30, 2014 and was received by the Illinois EPA on February 14, 2014. The application for payment covers the period from October 31, 2005 to April 30, 2013. The amount requested is \$30,107.75.

On February 14, 2014, 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.

The deductible amount for this claim is \$10,000.00, which was previously withheld from your payment(s). 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.

Attachment A
Accounting Deductions

Re: LPC #1150155305 -- Macon County
Decatur / Clark #731
1092 West Grand Avenue
Incident-Claim No.: 942889 -- 64187
Queue Date: February 14, 2014
Leaking UST FISCAL FILE

Citations in this attachment 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).

Item # Description of Deductions

1. \$30,107.75, deduction for costs submitted more than one year after the date the Illinois EPA issued a No Further Remediation Letter pursuant to Subpart G of 35 Ill. Adm. Code 734. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(n). In addition, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they are not site investigation or corrective action costs.

A No Further Remediation Letter was issued January 31, 2013 by the Agency. All requests for reimbursement had to be received by January 31, 2014 in order to be within the one year. This request for payment was not received until February 14, 2014 which is more than one year beyond the NFR date.

In addition, the Owner/Operator and Licensed Professional Engineer form did not have a billing period and the Professional Engineer's signature was not notarized.

The costs broken down on Agency forms added up to \$30,131.90 but only \$30,107.75 was requested for reimbursement. It was not clear in the submittal which costs broken down on the Agency forms were not requested for reimbursement.

Proof of payment in the form of cancelled checks, lien waivers or affidavits were not provided for the subcontractor's costs in order for handling charges to be paid.

CERTIFICATE OF SERVICE

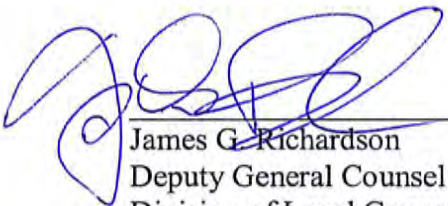
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I, the undersigned attorney at law, hereby certify that on May 16, 2014, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Craig Gocker
Foth Infrastructure & Environmental, LLC
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