

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SHREE KUBER, INC.,)	
Petitioner,)	
)	
v.)	PCB 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

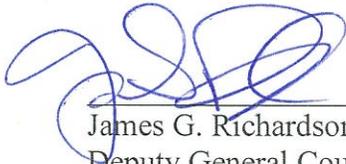
NOTICE

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

Jennifer M. Martin
HeplerBroom
4340 Acer Grove Drive
Springfield, Illinois 62711

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: July 23, 2020
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SHREE KUBER, INC.,)	
Petitioner,)	
)	
v.)	PCB No. 21-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL)	Extension)
PROTECTION AGENCY,)	
Respondent.)	

**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 November 4, 2020, 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 or about June 30, 2020, the Illinois EPA issued a final decision to the Petitioner.
2. On July 21, 2020, 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, Petitioner received the final decision on or about July 2, 2020.

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: July 23, 2020

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



(217) 524-3300

CERTIFIED MAIL

7018 1830 0000 5282 8469

JUN 30 2020

Sunil Modi
Shree Kuber, Inc.
1406 North Prospect Avenue
Champaign, IL 61820

Re: 0190105433 -- Champaign County
Champaign\Shree Kuber, Inc. -- Prospect Mini Mart
1406 North Prospect Avenue
Leaking UST Incident 20200005
Leaking UST Technical File

Dear Mr. Modi:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day/Corrective Action Completion Report submitted for the above-referenced incident. This report, dated March 16, 2020, was received by the Illinois EPA on March 17, 2020. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

Based on the information currently in the Illinois EPA's possession, it has been determined that the above-referenced incident is a re-reporting of Leaking UST Incident 20080255. Therefore, this incident is not subject to the reporting requirements of Title XVI of the Act or 35 Ill. Adm. Code 731 or 734.

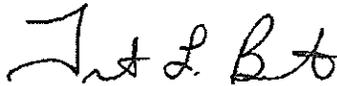
The concentrations of contaminants in the soil after removal of the underground storage tanks do not indicate a new release occurred.

It should be noted that early action, site investigation, and corrective action activities associated with Leaking UST Incident 20200005 exceed the minimum requirements necessary to comply with the Act. Costs associated with early action, site investigation, and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

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If you have any questions or require further assistance, please contact Nicole Cosenza at (217) 782-1638.

Sincerely,

A handwritten signature in black ink, appearing to read "Trent L. Benanti". The signature is written in a cursive style with a large initial "T".

Trent L. Benanti, P.E.
Unit Manager
Leaking Underground Storage Tank Program
Remedial Project Management Section
Bureau of Land

Tlb:bb:nc\20200005.docx

c: Green Wave Consulting, LLC (electronic copy), Mike Bettenhausen,
mikeb@greenwavecon.com
BOL File

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 23, 2020 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by the methods and to the persons identified below:

Electronic Service

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

USPS First Class Mail

Jennifer M. Martin
HeplerBroom
4340 Acer Grove Drive
Springfield, Illinois 62711

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Deputy General Counsel
Division of Legal Counsel
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