

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

J.I. CORPORATION	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 09-
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE**

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Jamal Chaudhary  
J.I. Corporation  
171 South Appleton Road  
Belvidere, Illinois 61008

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

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Melanie A. Jarvis  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: February 18, 2009

**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on February, 18, 2009, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Jamal Chaudhary  
J.I. Corporation  
171 South Appleton Road  
Belvidere, Illinois 61008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

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CLERK'S OFFICE

FEB 20 2009

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

J.I. CORPORATION	)	
	)	
Petitioner,	)	
v.	)	PCB No. 09- 63
ILLINOIS ENVIRONMENTAL	)	(LUST Appeal – Ninety Day 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, Melanie A. Jarvis, Assistant 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 June 5, 2009, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

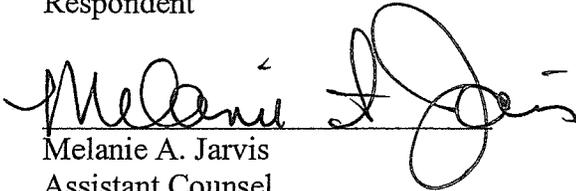
1. On January 30, 2009, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On February 3, 2009, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. Tracking information from the Certified Mail number on the final decision indicates the final decision was received on February 2, 2009. (Exhibit B)

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,  
Respondent



Melanie A. Jarvis  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: February 18, 2009

This filing submitted on recycled paper.

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Division of Legal Counsel

FEB 09 2009

Environmental Protection  
Agency

February 3, 2009

Mr. William Ingersoll  
Divisional Legal Counsel  
1021 North Gran Ave East  
Post Office Box 19276  
Springfield, IL 62794-9276

Ref: Appeal from Illinois Environmental Protection Agency decision dated  
January 30, 2009

Dear Counsel,

I am writing to request an extension period for filing an appeal of the above certified agency decision; a copy of which is hereby attached. I am requesting a 90 day extension for the following reasons.

As stated in the appended decision, the agency requires further information of a technical nature. In order to provide the same I would need to contact the folks involved in the original clean up and get the necessary paperwork. This extension would allow me time to gather such information and provide to the agency, in the hope that the issue may be resolved.

Sincerely Yours,



Jamal Chaudhary  
171 South Appleton Rd.  
Belvidere, Il 61008



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

, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL #

JAN 30 2009

7004 2510 0001 8617 9232

J.I. Corporation  
Jamal Chaudhary  
171 South Appleton Road  
Belvidere, Illinois 61008

Re: LPC #0070057109—Boone County  
Belvidere/ J.I. Corporation  
171 South Appleton Road  
Incident-Claim No.: 20051056—55239  
Queue Date: September 23, 2008  
Leaking UST Fiscal File

**RECEIVED**  
Division of Legal Counsel

FEB 09 2009

Environmental Protection  
Agency

Dear Mr. Chaudhary:

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 September 16, 2008 and was received by the Illinois EPA on September 23, 2008. It covers the period from July 29, 2005 to August 28, 2006. The amount requested is \$61,816.29.

As a result of the Illinois EPA's review of the application for payment, a voucher cannot be prepared for submission to the Comptroller's Office 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.

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

1. \$61,816.29, deduction for costs which lack supporting documentation. Such costs are ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 734.630(cc). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not used for activities in excess of those

necessary to meet the minimum requirements of Title XVI of the Act. Therefore, such costs are not approved pursuant to Section 57.7(c)(3) of the Act because they may be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act.

There is no technical documentation to verify any work that was performed in response to this release/ incident. The 45-Day Report that was received by the Illinois EPA on August 23, 2005 was denied because there was no documentation describing the work that had been performed. The submitted 45-Day Report was simply a signed 45-Day Report form. To date, the Illinois EPA has not received any technical documentation concerning this incident.

In addition, the reimbursement claim requested \$24,772.34 for UST Removal Costs. These USTs were permitted for removal by the OSFM on May 18, 2005. The USTs were removed and the IEMA was notified of the release on July 29, 2005. The Leaking UST Fund does not pay for removal, disposal, or abandonment of USTs if the tanks were removed or abandoned, or permitted for removal or abandonment, by the Office of the State Fire Marshal before the owner or operator provided notice to Illinois Emergency Management Agency of a release of petroleum. Such costs are ineligible for payment from the Fund pursuant to Section 57.8(k) of the Act and 35 Ill. Adm. Code 734.630(k).

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,



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

HAA:BJD

Attachment: Appeal Rights

c: Forest Road Consulting, Inc.  
Leaking UST Claims Unit