BEFORE THE ILLINOIS POLLUTION CONTROL BOARDLERK'S OFFICE

AUG 1 5 2014
)
STATE OF ILLINOIS Pollution Control Board
) PCB 15- (LUST Appeal – Ninety Day
) Extension)
) — Extension)
ORIGINAL
TAVAL

NOTICE

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

William Ozga 16026 East Glenbrook Boulevard Fountain Hills, Arizona 85268

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: August 12, 2014 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 BOARDLERK'S OFFICE AUG 15 2014

WILLIAM OZGA, Petitioner,)	STATE OF ILLINOIS Pollution Control Board
v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	PCB No. 15- 59 (LUST Appeal – Ninety Day Extension)
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 December 2, 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 July 25, 2014, the Illinois EPA issued a final decision to the Petitioner.
- 2. On August 11, 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 July 30, 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: August 12, 2014

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER



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

JUL 252014

CERTIFIED MAIL # 7012 0470 0001 2975 6641

William Ozga 16026 Glenbrook Blvd Fountain Hills, AZ, 85268

Re:

LPC #0970055077 -- Lake County

Antioch / Ted's State Line

284 Main Street

Incident-Claim No.: 961671 -- 64505

Queue Date: May 2, 2014 Leaking UST Fiscal File

Dear Mr. Ozga:

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 April 28, 2014 and was received by the Illinois EPA on May 2, 2014. The application for payment covers the period from September 9, 1996 to December 31, 1996. The amount requested is \$23,322.61.

On May 2, 2014, the Illinois EPA received your 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.

A portion of the \$100,000.00 deductible, \$10,128.82, was withheld from your payment, leaving a balance of \$89,871.18 to be met from future submittals. 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.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760 595 S. State, Elgin, IL 60123 (847) 608-3131 2125 S. First St., Champaign, IL 61820 (217) 278-5800 2009 Mall St., Callinville, IL 62234 (618) 346-5120 9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000 412 SW Washington St., Suite D. Peoria, IL 61602 (309) 671-3022 2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200 100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 614-6026 There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

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 Catherine S. Elston of my staff at 217-785-9351.

Sincerely,

Herrando & Alberrain.

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

Bureau of Land

ATTACHMENT

Carlson Environmental, Inc. Leaking UST Claims Unit Cathy Elston

Attachment A Accounting Deductions

Re: LPC #0970055077 -- Lake County

Antioch / Ted's State Line

284 Main Street

Incident-Claim No.: 961671 -- 64505

Queue Date: May 2, 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. \$1,012.40, deduction for costs for analytical, 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 will not be 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.

The claim is missing an analytical invoice.

2. \$11,369.29, deduction for costs for the excavation, transportation and disposal of contaminated soil, 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 will not be 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.

The claim is missing a landfill invoice.

3. \$812.10, deduction for costs for consulting personnel, 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 will not be 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. The claim is missing an invoice for the consulting personnel costs for the Scientist III.

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

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

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

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

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East Post Office Box 19276 Springfield, IL 62794-9276 217/782-5544



CERTIFICATE OF SERVICE

AUG 15 2014

STATE OF ILLINOIS Pollution Control Board

I, the undersigned attorney at law, hereby certify that on August 12, 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

William Ozga 16026 East Glenbrook Boulevard Fountain Hills, Arizona 85268

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
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