

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BEELINE PROPERTIES, LLC,)	
Petitioner,)	
)	
v.)	PCB 24-
)	(LUST – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Beeline Properties, LLC
c/o Perry Environmental
Attn: Michael Keebler
900 South Spring Street
Springfield, IL 62704
mkeebler@perryenvironmental.net

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



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov
Dated: May 16, 2024

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BEELINE PROPERTIES, LLC,)	
Petitioner,)	
)	
v.)	PCB 24-
)	(LUST – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
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 August 22, 2024, 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 April 11, 2024, the Illinois EPA issued a final decision to the Petitioner.
2. On May 15, 2024, 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 April 19, 2024.

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



Melanie A Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: May 16, 2024

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 16, 2024, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Beeline Properties, LLC
c/o Perry Environmental
Attn: Michael Keebler
900 South Spring Street
Springfield, IL 62704
mkeebler@perryenvironmental.net

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov

PEI Perry Environmental, Inc.

Environmental Consultants

May 15, 2024

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Claims Unit
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Incident-Claim No.: 991372 – 74387
90 Day Appeal Extension Request
LPC #1671203337 – Sangamon County
Springfield / Illinois Ayers Oil Company
430 Stanford Avenue
LUST Incident #991372

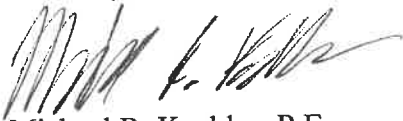
Dear Claims Unit:

On behalf of the owner, Beeline Properties, LLC, of the existing and former underground storage tanks, we are requesting a 90 Day Extension for Appealing IEPA final decision for the Corrective Action Investigation application for payment dated December 8, 2023 and approved with deductions by the IEPA letter dated April 11, 2024. This request of appeal to the Pollution Control Board pursuant to Sections 40 and 57.7©(4) of the Act.

We have attached a copy of the IEPA final decision as required under the Appeal Rights. There were numerous deductions, which need addressed and requires more time to reply. This request will allow time to address the deductions with the IEPA and/or appeal to the Pollution Control Board pursuant to Sections 40 and 57.7©(4) of the Act.

Perry Environmental, Inc., on behalf of the UST owner Beeline Properties, LLC of the above-referenced facility, is pleased to submit the enclosed 90 Day Extension for addressing the deductions for LUST Billing Package for Corrective Action Investigation Activities completed for your approval. Thank you for your assistance. Should you have any questions or comments, please me at (217) 523-5446 or via email at mkeebler@perryenvironmental.net.

Sincerely,



Michael R. Keebler, P.E.
Senior Professional Engineer
Perry Environmental, Inc.

900 South Spring Street • Springfield, Illinois 62704
Ph: (217) 523-5446



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL #

9589 0710 5270 1326 4524 57

APR 11 2024

Beeline Properties, LLC
C/O Perry Environmental, Inc
900 South Spring Street
Springfield, Illinois 62704

Re: 1671203337 -- Sangamon County
Springfield/Illinois Ayers Oil Company
430 Stanford Avenue
Incident-Claim No.: 991372 -- 74387
Queue Date: December 13, 2023
Leaking UST Fiscal File

Dear Mr. Joshi:

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 Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart F.

This information is dated December 08, 2023, and was received by the Illinois EPA on December 13, 2023. The application for payment covers the period from January 25, 2023, to December 7, 2023. The amount requested is \$17,676.87.

On December 13, 2023, 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.

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.

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.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

595 S. State Street, Elgin, IL 60123 (847) 608-3131
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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 Amanda Ausmus of my staff at (217) 524-3860 or at Amanda.Ausmus@illinois.gov.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Rossi for J Rossi". The signature is written in a cursive style.

Jennifer Rossi
Interim Unit Manager
Special Projects and Financial Unit
Leaking Underground Storage Tank Section
Bureau of Land

Attachments: A
Appeal Rights

c: Gouri Joshi
Leaking UST Claims Unit

Attachment A
Accounting Deductions

Re: 1671203337 -- Sangamon County
Springfield / Illinois Ayers Oil Co
430 Stanford Avenue
Incident-Claim No.: 991372 -- 74387
Queue Date: December 13, 2023
Leaking UST FISCAL FILE

Citations in this attachment are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$17,676.87, deduction for costs due to no approved free product removal, site investigation, or corrective action budget. The Illinois EPA is unable to approve billings for free product removal conducted more the 45 days after the confirmation of the presence of free product, site investigation or corrective action activities without an approved budget pursuant to Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 734.605(f).

Deduction for site investigation or corrective action costs that are not reasonable as submitted. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(dd).

In addition, 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 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 and 35 Ill. Adm. Code 734.630(o) 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 budget approved for the costs being requested in the above referenced claim. The budget received by the Illinois EPA on June 27, 2008, as referenced on the *General Information for the Budget and Billing Forms* form included in the above referenced submittal, was previously utilized, i.e. all of the work associated with the 2008 plan and budget has already been completed. This work has already been reimbursed by the Illinois EPA in the claim received by the Illinois EPA on January 27, 2009.

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 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:

Clerk of the Board
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605
(312) 814-3461

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

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