

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

GURAYA, INC. d/b/a ORION MART,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2026-
	)	(LUST - Ninety Day Extension)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

NOTICE

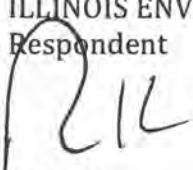
Don Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, IL 60605
don.brown@illinois.gov

John Ames
Ames Law Office
1000 3rd Street
Orion, IL 61273
jga@ameslawil.com

PLEASE TAKE NOTICE that I have 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.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


Rich Kim
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
Dated: October 27, 2025

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

GURAYA, INC. d/b/a ORION MART,	)	
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Petitioner,	)	
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v.	)	PCB 2026-
	)	(LUST – Ninety Day Extension)
ILLINOIS ENVIRONMENTAL	)	
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, Rich Kim, 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 January 26, 2026, 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 September 18, 2025, the Illinois EPA issued a final decision to the Petitioner.

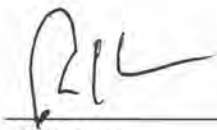
2. On October 17, 2025, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about September 22, 2025.

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

A handwritten signature in black ink, appearing to read 'Rich Kim', is written over a horizontal line.

Rich Kim

Assistant Counsel – Division of Legal Counsel

Special Assistant Attorney General

2520 West Iles Avenue

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

866/273-5488 (TDD)

richard.kim@illinois.gov

Dated: October 27, 2025

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 27, 2025, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD**, via the Board's COOL system and email, upon the following named persons:

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

John Ames
Ames Law Office
1000 3rd Street
Orion, IL 61273
jga@ameslawil.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Rich Kim
Assistant Counsel - Division of Legal Counsel
Special Assistant Attorney General
2520 West Iles Avenue
P.O. Box 19276
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217/782-5544
866/273-5488 (TDD)
richard.kim@illinois.gov

AMES LAW OFFICES
Attorneys and Counsellors at Law
Payne & Ames Building
1000 Third Street
P.O. Box 55
Orion, Illinois 61273-0055

JOHN G. AMES
STEPHANIE A. AMES
STEVEN C. AMES

TEL (309)526-3374
jga@ameslawil.com

October 17, 2025

Illinois Environmental Protection Agency
Division of Legal Counsel
2520 West Iles Avenue
PO Box 19276
Springfield, IL 62794-9276

ATTN: Rich Kim – Division of Legal Counsel

RE: 0730705013 – Henry County
Orion / Orion Mart
Guraya, Inc. d/b/a Orion Mart
1009 Division Street
Incident Claim No. 20141266-75698
Queue Date: May 27, 2025
Leaking UST Fiscal File

NOTICE OF REQUEST FOR 90 DAY EXTENSION

Ladies & Gentlemen:

Enclosed is a copy of a letter of denial in regard to the above referenced matter. Guraya, Inc., d/b/a Orion Mart received said Notice of Denial dated September 18, 2025 and was received by Counsel on September 22, 2025.

Guraya Inc., d/b/a Orion Mart requests a 90 day extension on such mater.

Also, please be advised that Mr. Jon C. Fox is no longer involved in the matter. Further correspondence should be directed as follows:

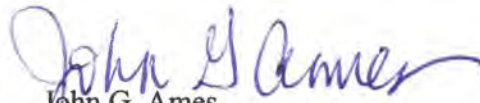
Of by U.S. mail: Ames Law Offices
1000 Third Street
PO Box 55
Orion, IL 61273

Of by e-mail: jga@ameslawil.com or saa@ameslawil.com

APPROVED FOR GURAYA, INC.

BY: 
HARBHAJAN SINGH - PRESIDENT

Respectfully,


John G. Ames



Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

JB Pritzker, Governor

James Jennings, Acting Director

(217) 524-3300

CERTIFIED MAIL #

9589 0710 5270 0390 7816 92

SEP 18 2025

Guraya, Inc.
c/o Jonathon C. Fox, Esq.
1515 5th Avenue, Suite 428
Moline, IL 61265

Re: 0730705013 -- Henry County
Orion/Orion Mart
1009 Division Street
Incident-Claim No.: 20141266 -- 75698
Queue Date: May 27, 2025
Leaking UST Fiscal File

Dear Harry Singh:

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 May 20, 2025 and was received by the Illinois EPA on May 27, 2025. The payment period that the application for payment covers was not indicated. The amount requested is \$740,000.00.

On May 27, 2025, 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.

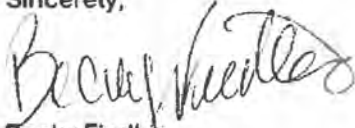
The deductible amount for this claim is \$10,000.00, which was previously withheld from your payment(s). Pursuant to Section 57.8(a)(4) of the Act, any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 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.

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 the undersigned at (217) 785-7115 or at Becky.Fiedler@illinois.gov.

Sincerely,



Becky Fiedler
Unit Manager
Special Projects and Financial Unit
Leaking Underground Storage Tank Section
Bureau of Land

Attachments: Attachment A
Appeal Rights

c: Guraya, Inc.
Ames Law Officed
Leaking UST Claims Unit

Attachment A
Accounting Deductions

Re: 0730705013 -- Henry County
Orion/Orion Mart
1009 Division Street
Incident-Claim No.: 20141266 -- 75698
Queue Date: May 27, 2025
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).

- I. Pursuant to 35 Ill. Adm. Code 734.650(a)(1) and Section 57.8(a)(6) of the Act, an owner or operator seeking indemnification from the Fund must submit a complete application for payment, which must include:
 - A) A certification from a Licensed Professional Engineer or Licensed Professional Geologist and acknowledged by the owner or operator;
 - B) A certified statement by the owner or operator of the amount sought for payment;
 - C) Proof of the legally enforceable judgment, final order, or determination against the owner or operator, or the legally enforceable settlement entered into by the owner or operator, for which indemnification is sought. The proof must include, but not be limited to, the following:
 - i) A copy of the judgment certified by the court clerk as a true and correct copy, a copy of the final order or determination certified by the issuing agency of State government or subdivision thereof as a true and correct copy, or a copy of the settlement certified by the owner or operator as a true and correct copy; and
 - ii) Documentation demonstrating that the judgment, final order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from the UST for which the release was reported, and that the UST is owned or operated by the owner or operator;
 - D) A copy of the OSFM or Agency eligibility and deductibility determination;
 - E) Proof that approval of the indemnification requested will not exceed the limitations set forth in the Act and Section 734.620 of this Part;
 - F) A federal taxpayer identification number and legal status disclosure certification;
 - G) A private insurance coverage form; and
 - H) Designation of the address to which payment and notice of final action on the request for indemnification are to be sent to the owner or operator.

The above referenced submittal failed to include the following:

- i. Proof of the legally enforceable judgment, final order, or determination against the owner or operator, or the legally enforceable settlement entered into by the owner or operator, for which indemnification is sought.
- ii. A copy of the judgment certified by the court clerk as a true and correct copy, a copy of the final order or determination certified by the issuing agency of State government or subdivision thereof as a true and correct copy, or a copy of the settlement certified by the owner or operator as a true and correct copy.
- iii. Documentation demonstrating that the judgment, final order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from the UST for which the release was reported, and that the UST is owned or operated by the owner or operator.
- iv. A copy of the judgment certified by the court clerk as a true and correct copy, a copy of the final order or determination certified by the issuing agency of State government or subdivision thereof as a true and correct copy, or a copy of the settlement certified by the owner or operator as a true and correct copy.
- v. Documentation demonstrating that the judgment, final order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from the UST for which the release was reported, and that the UST is owned or operated by the owner or operator;
- vi. A copy of the OSFM or Agency eligibility and deductibility determination.
- vii. A certification from a Licensed Professional Engineer or Licensed Professional Geologist.
- viii. Proof that approval of the indemnification requested will not exceed the limitations set forth in the Act and 35 Ill. Adm. Code 734.620.
- ix. A federal taxpayer identification number and legal status disclosure certification.

Based on the above, the request fails to constitute a complete application for payment. Additionally, the submitted request fails to demonstrate that the requested costs are associated with bodily injury or property damage suffered as a result of a release of petroleum from the UST for which the release was reported.

Additionally, in accordance with 35 Ill. Adm. Code 734.650(b), the Illinois EPA has determined that the application for payment does not contain all of the required documentation and information. The application fails to provide sufficient documentation of a legally enforceable judgment entered against the owner or operator in a court of law, final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or settlement entered into by the owner or operator.

Furthermore, the application does not demonstrate the judgment, final order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator. In addition, the application fails to demonstrate that the amounts sought for indemnification are eligible for payment.

Furthermore, the application fails to show that the amounts sought are not ineligible costs, as outlined by 35 Ill. Adm. Code 734.650(d).

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, Ste. 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
2520 West Iles Avenue
Post Office Box 19276
Springfield, IL 62794-9276
(217) 782-5544