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MAY 29 2003

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

STATE OF ILLINOIS
Pollution Control Board

RANDALL INDUSTRIES,)
)
Petitioner,)
)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 03- 219
(LUST Appeal – Ninety Day Extension)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Randall Truckenbrodt
Randall Industries
741 South Route 83
Elmhurst, IL 60126

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



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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: May 27, 2003

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STATE OF ILLINOIS
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**BEFORE THE POLLUTION CONTROL BOARD
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RANDALL INDUSTRIES,)	
Petitioner,)	
v.)	PCB No. 03- 219
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, John J. Kim, Assistant Counsel and Special Assistant Attorney General, 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 25, 2003, or any other date not more than a total of one hundred twenty-five (125) days from April 21, 2003, the date of the Illinois EPA’s final decision. The 125th day actually falls on August 24, 2003, a Sunday. The next business day is August 25, 2003. In support thereof, the Illinois EPA respectfully states as follows:

1. On April 21, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On May 27, 2003, the Illinois EPA received a written request from Petitioner 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. The Petitioner did not represent when the final decision was received. (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



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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217/782-5544
217/782-9143 (TDD)
Dated: May 27, 2003

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If you have any questions or need further assistance, please contact Trent Benanti at 217/524-4649.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects\Randall Industries\Letter4.doc

Attachments: Attachment A (Budget Modification Attachment) ~
Appeal Rights

cc: Marlin Environmental, Inc.
Division File

Attachment A

Re: LPC #0430355036 – Du Page County
Elmhurst/Randall Industries
741 South Route 83
LUST Incident Nos. 922987 and 942519
LUST Technical File

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

SECTION 1

The original Site Classification Work Plan Budget was previously approved for:

\$ 6,629.00	Investigation Costs
\$ 970.00	Analysis Costs
\$12,288.00	Personnel Costs
\$ 979.00	Equipment Costs
\$ 90.00	Field Purchases and Other Costs
\$ 978.90	Handling Charges

The first amendment to the Site Classification Work Plan Budget was previously approved for:

\$ 0.00	Investigation Costs
\$ 1,790.00	Analysis Costs
\$ 0.00	Personnel Costs
\$ 0.00	Equipment Costs
\$ 0.00	Field Purchases and Other Costs
\$ 179.00	Handling Charges

As a result of the Illinois EPA's modifications in Section 2 of this Attachment A, the second amendment to the Site Classification Work Plan Budget is approved for:

\$ 55.00	Investigation Costs
\$ 0.00	Analysis Costs
\$ 1,232.00	Personnel Costs
\$ 0.00	Equipment Costs
\$ 0.00	Field Purchases and Other Costs
\$ 0.00	Handling Charges

Therefore, the total, cumulative Site Classification Work Plan Budget is approved for:

\$ 6,684.00	Investigation Costs
\$ 2,760.00	Analysis Costs
\$13,520.00	Personnel Costs
\$ 979.00	Equipment Costs
\$ 90.00	Field Purchases and Other Costs
\$ 1,157.90	Handling Charges

SECTION 2

1. \$70.00 for an adjustment in the monitoring well installation costs (bentonite pellets (50 lbs. pail)). The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).
 - a. The Illinois EPA previously approved \$125.00 for bentonite pellets (5 pails).
 - b. An additional \$55.00 is approved for bentonite pellets (5 pails) as the result of an increase in the Illinois EPA's unit rate for bentonite pellets.
2. \$848.00 for an adjustment in the personnel costs (first field project manager: well development/purging/sampling, survey/slug test wells). The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).
 - a. The Illinois EPA previously approved \$848.00 for the first field project manager (16 hours).
 - b. An additional \$192.00 is approved for the first field project manager (16 hours) as the result of an increase in the Illinois EPA's unit rate for field project managers.
3. \$285.00 for an adjustment in the personnel costs (project manager: billing package). The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).
 - a. It is the account technician/reimbursement specialist's responsibility to prepare and proofread the billing package.
 - b. The Illinois EPA previously reduced the unit rate for the project manager (billing package) to the unit rate for an account technician/reimbursement specialist.
4. \$65.00 for an adjustment in the equipment costs (water level indicator). The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).
 - a. The Illinois EPA previously approved \$164.00 for the water level indicator (4 days).
 - b. No additional monies can be approved as the result of a reduction in the Illinois EPA's unit rate for water level indicator.

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)(D) 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 FAX 217/782-9807

RANDALL INDUSTRIES

May 23, 2003

Mr. John Kim
Mr. Mark White
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Ref.: April 21st letter
LUST Incident Numbers 922987 and 942519

Dear Mr. Kim:

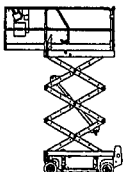
I wish to file the extension on the issues associated with this letter. We have been having discussions on various issue associated with these incidents. They are not going to be resolved within the 35 day requirements so I am giving formal notice of my desire to extend it to the 90 days as allowed in the enclosed letter from the Illinois EPA.

Sincerely,



Randall Truckenbrodt
President

B



RANDALL INDUSTRIES, INC.

741 South Route 83 • Elmhurst, Illinois 60126
Phone: (630) 833-9100 • Toll Free: (800) 966-7412 • Fax: (630) 833-9108
Internet: www.randallind.com • E-mail: sales@randallind.com



CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on May 27, 2003, 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 Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Randall Truckenbrodt
Randall Industries
741 South Route 83
Elmhurst, IL 60126

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



John I. Kim
Assistant Counsel
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