

BEFORE THE POLLUTION CONTROL BOARD **RECEIVED**
OF THE STATE OF ILLINOIS CLERK'S OFFICE

GAS FOR LESS (VISTA MARKETING)
GROUP),)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

JUN 17 2003

STATE OF ILLINOIS
Pollution Control Board
PCB No. 03- 232
(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

R. Todd Weegens, P.E.
Fehr-Graham & Associates
221 East Main Street
Suite 200
Freeport, IL 61032

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: June 12, 2003

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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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 September 10, 2003, or any other date not more than a total of one hundred twenty-five (125) days from May 8, 2003, the earliest date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On May 7, 2003, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

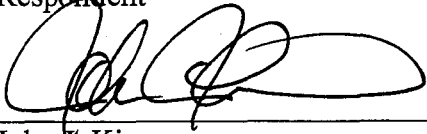
2. On June 4, 2003, the Illinois EPA received a written request from Petitioner for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner has since represented that the final decision was received no earlier than May 8, 2003. (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



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Special Assistant Attorney General
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Dated: June 12, 2003

This filing submitted on recycled paper.

applicant 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:

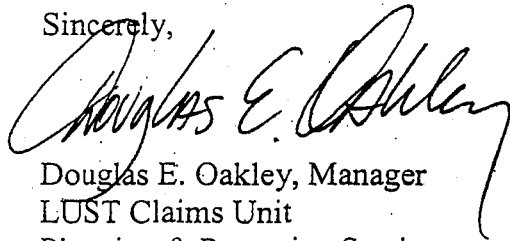
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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

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

If you have any questions or require further assistance, please contact Thomas Henninger at 217/782-6762.

Sincerely,



Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:LH:ct\0324312.doc

Attachment

cc: Fehr-Graham & Associates

Attachment A
Technical Deductions

Re: LPC #2010305517 -- Winnebago County
Rockford/Gas for Less (Vista Marketing Group)
320 North Mulford Road
LUST Incident No. 20020728
LUST Fiscal File

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

Item # Description of Deductions

1. None of the costs incurred from August 8, 2002 to February 14, 2003 are eligible for reimbursement. Early Action activities must be performed within the Illinois EPA-approved extension dates. (35 Ill. Adm. Code 732.202(g))
2. Costs incurred after completion of early action activities in accordance with 35 Ill. Adm. Code 732.Subpart B by owners or operators choosing, pursuant to Section 732.300(b), to conduct remediation sufficient to satisfy the remediation objectives (35 Ill. Adm. Code 732.606(z)).

A deduction of \$11,780.25 was made on the costs for work done beyond the Early Action extension date of August 7, 2002.

LH:ct\032402.doc

Technical Unit



FEHR-GRAHAM & ASSOCIATES
Engineering and Science Consultants

Quentin H. Davis, P.E.
Hans A. Anderson, P.E.
R. Todd Weegens, P.E.
Mick W. Gronewold, P.E.
Ken R. Thompson

Civil • Surveying • EHS • Municipal

221 E. Main Street • Suite 200 • Freeport, IL 61032
E-mail: fga@fehr-graham.com

Ph: 815/235-7643 • Fax: 815/235-4632
Web: www.fehr-graham.com

June 4, 2003

Mr. John Kim, Technical Advisor
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

RECEIVED
Division of Legal Counsel
JUN 06 2003
Environmental Protection
Agency

Re: LPC #2010305517 - Winnebago County
320 North Mulford Road, Rockford/Gas For Less (Vista Marketing Group)
LUST Incident No. 20020728

Dear Mr. Kim:

On behalf of our client, Vista Marketing Group, we respectfully request a 90-day extension to the initial 35-day appeal period regarding the above captioned LUST reimbursement matter. I have also attached the IEPA findings letter dated May 7, 2003, of which we intend to appeal.

We appreciate your attention to this matter and trust that the information provided is sufficient for your office to grant the extension; however, please do not hesitate to contact us should you need additional information.

Sincerely,

R. Todd Weegens, P.E.
Professional Engineer

RTW:ml

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cc: Chip Williams, Vista Marketing Group
Thomas Henninger, IEPA LUST Technical Unit


CERTIFICATE OF SERVICE

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