

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

TOM'S GAS STOP,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

JUN 30 2003

PCB No. 03- 238 STATE OF ILLINOIS
(LUST - Ninety Day *Pollution Control Board* Extension)

NOTICE


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

Alisa S. Leyden
Leyden Environmental, Inc.
5255 North Central Avenue
Chicago, IL 60630

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 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 19, 2003

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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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Pollution Control Board

TOM'S GAS STOP,)
Petitioner,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 03-238
(LUST - Ninety Day Extension)

**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 17, 2003, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

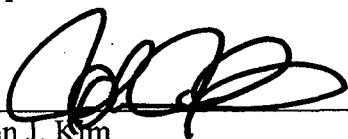
1. On May 15, 2003, the Illinois EPA issued a final decision to the Petitioner regarding a request for reimbursement from the Underground Storage Tank Fund. (Exhibit A)
2. On June 18, 2003, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. In a subsequent conversation, the Petitioner represented that the final decision was received no earlier than May 16, 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



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 19, 2003

This filing submitted on recycled paper.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLACQJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

MAY 15 2003

Kathleen R. Kenney
12641 South Mansfield
Alsip, IL 60803

Re: LPC #0310035074 -- Cook County
 Alsip/Tom's Gas Stop
 11801 South Pulaski Road
 LUST Incident #900824
 LUST FISCAL FILE

Dear Ms. Kenney:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from March 29, 1990 to January 31, 2003. The amount requested was \$76,260.00.

The deductible amount to be assessed on this claim is \$15,000.00, which is being deducted from this payment. In addition to the deductible, there are costs from this request that are not being reimbursed. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On April 2, 2003, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$55,020.38 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings requests are received by the Agency.

This constitutes the Agency's final action with regard to the above invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) and Section 40 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINGSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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A

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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:

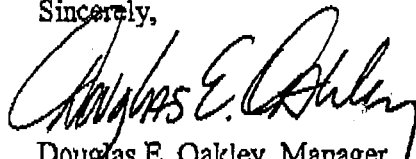
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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, please contact Kevin Mably of my staff at 217/782-6762.

Sincerely,



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

DEO:KM:jk\0323311.doc

Attachment

cc: Leyden Environmental, Inc.

Attachment A
Accounting Deductions

Re: LPC #0310035074 -- Cook County
Alsip/Tom's Gas Stop
11801 South Pulaski Road
LUST Incident #900824
LUST FISCAL FILE

Item # Description of Deductions

1. \$1,709.55, deduction for costs which are not for Corrective Action activities (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).

Leyden Environmental-Invoice #5420	\$41.19	GEM Electric Supply
#5420	\$19.58	Vollmar Clay Products
#5420	\$548.78	Graybar
#5420	\$1,100.00	J&L Electric

2. \$4,300.06, deduction for costs which are not for Corrective Action activities (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act).

Leyden Environmental-Invoice #5420	\$73.15	Handling on denied costs Field Purchases
#5420	\$133.00	Handling on denied costs UST Subcontractors
#5420	\$4,093.91	Handling charge is being denied due to the contractor (Leyden Environmental) having a person with a direct or indirect financial interest in the subcontractor (American Tank). It is the Agency's position that handling charges are not warranted.

3. \$230.00, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Leyden Environmental-Invoice #5420		Need copy of permit and receipt-Lindahl Brothers
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\$6,239.61 Total Accounting Deductions

LEYDEN ENVIRONMENTAL INC.
5255 NORTH CENTRAL AVENUE
CHICAGO, ILLINOIS 60630
(773) 481-1400
(773) 481-6559 FAX

June 18, 2003

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

Via Facsimile to 217-782-9807

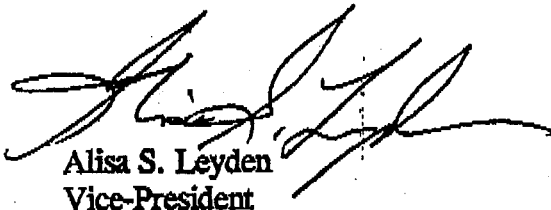
RE: LPC #0310035074 - Cook County
Alsip/Tom's Gas Stop
11801 South Pulaski
LUST Incident #900824
LUST FISCAL FILE

Dear Division of Legal Counsel:

Please consider this letter a respectful request at the direction of the owner/operator for a 90-Day extension as it pertains to the attached May 15, 2003 letter for the above referenced project.

Your attention to this matter is appreciated. Should you have any questions or if additional information is necessary, please do not hesitate to contact me at (773) 481-1400.

Respectfully,
LEYDEN ENVIRONMENTAL INC.



Alisa S. Leyden
Vice-President

ASL/al


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 19, 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

Alisa S. Leyden
Leyden Environmental, Inc.
5255 North Central Avenue
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