

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED

CLERK'S OFFICE

JUL 21 2003

ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY (Belvidere North CACR),)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 04- 10
(UST 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

Kenneth W. Funk
Deutsch, Levy & Engel
225 West Washington Street
Suite 1700
Chicago, IL 60606

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



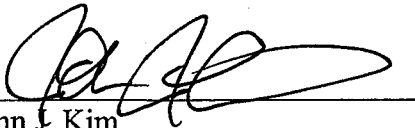
John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: July 18, 2003

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: July 18, 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. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

JUN 13 2003

CERTIFIED MAIL

7002 3150 0000 1223 2248

Illinois State Toll Highway Authority
Attention: John R. Wagner, P.E.
2700 Ogden Avenue
Downers Grove, Illinois 60515

Re: LPC 0070057092 -- Boone County
Belvidere/ Illinois State Toll Highway Authority
Belvidere Oasis (North Side)
LUST Incident No. 890112, 892215, 941815 and 20021277
LUST Technical File

Dear Mr. Wagner:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report (report) for the above-referenced incident. The report was dated April 8, 2003 and was received by the Illinois EPA on April 14, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.409(c) and 732.503(b), the report is rejected for the reasons listed in Attachment A.

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 need further assistance, please contact Donna Wallace at 217/524-1283.

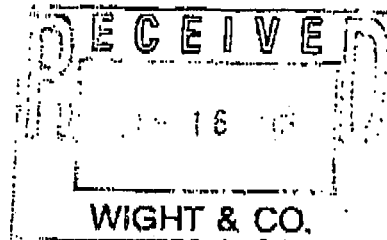
Sincerely,

Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:DW:dwl

Attachment: Attachment A

c: Wight and Company
Division File



ROCKFORD - 4302 North Main Street, Rockford, IL 61107 - (815) 987-7760 • Des Plaines - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60120 - (815) 708-7000 • JOLIET - 1309 E. 6th St., Joliet, IL 61731 - (815) 741-5463
BUREAU OF LAND - PEORIA - 7620 N. University, Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62734 - (618) 346-5120
HAMBURG - 1000 N. University, Peoria, IL 61614 - (309) 693-5463
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A

PRINTED ON RECYCLED PAPER

Attachment A

Re: LPC # 0070057092 -- Boone County
Belvidere/ Illinois State Toll Highway Authority
Belvidere Oasis (North Side)
LUST Incident No. 890112, 892215, 941815 and 20021277
LUST TECHNICAL FILE

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

- A. The owner/operator summary form was not completed. A tax parcel ID number must be provided as well as a legal description of the property. *Legal*
- B. Industrial/Commercial Soil Ingestion levels were exceeded at NW-1, TFW-2, TFM-2 and TFE-1 for Benzo(a)anthracene and Benzo(a)pyrene and must be addressed either by further remediation or a proposed barrier. *Clubs*
- C. Naphthalene was exceeded at TFE-1 for Inhalation levels for Construction Workers and must be addressed by further remediation or a Worker Caution control. The location of sample TFE-1 was not provided on your maps, please show the location of this sample on future maps.
- D. If a barrier is to be proposed, the Agency requires a map to scale giving the dimensions of the barrier to be maintained. Also photos must be provided showing the barrier is in place. *N/A*
- E. A Professional Engineer Certification was not included with your Corrective Action Completion Report.

DW:dwl

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

EARL A. DEUTSCH
PAUL M. LEVY
TERRY L. ENGEL
FRANK R. COHEN
JERRY I. RUDMAN
MICHAEL J. DEVINE
STUART BERKS
KENNETH W. FUNK
PHILLIP J. ZISOOK
DENNIS E. FRISBY
STEVEN B. ISAACSON
ALVIN J. HELFGOT
JOEL A. STEIN
BRIAN D. SAUCIER
JAMES E. O'HALLORAN
AARON B. ZARKOWSKY
KAREN KAVANAGH MACK
GREGG A. GAROFALO
JEFFREY D. HORWITZ
MOYENDA MUTHARIKA KNAPP
DAVID J. BEN-DOV

LAW OFFICES

DEUTSCH, LEVY & ENGEL

CHARTERED
SUITE 1700
225 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60606
(312) 346-1460

E-mail: lawyers@dlac.com
Website: www.dlac.com
FACSIMILE: (312) 346-1839

COUNSEL
MARSHALL D. KROLICK
ARTHUR J. SABIN

July 10, 2003

**VIA FACSIMILE 217-782-9807
AND REGULAR MAIL**

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Attention: John Kim, Esq.

**Re: LPC #0070057092 - Boone County;
Belvidere/Belvidere Oases (North Side)
LUST Incident Nos. 890112, 892215, 941815 and 20021277**

Dear Mr. Kim:

The undersigned, as a Special Assistant Attorney General, represents the Illinois State Toll Highway Authority in connection with the referenced LUST Incidents. I have received a copy of the Agency's letter, dated June 13, 2003, rejecting the Authority's High Priority Corrective Action Completion Report previously submitted to the Agency. A copy of that letter is enclosed.

Please be advised that the Authority does not agree with the Agency's position as set forth in its letter of June 13, 2003; however, in hopes of resolving the open issues with the Agency, and avoiding the necessity of an appeal to the Illinois Pollution Control Board, our client hereby requests an extension, pursuant to Sections 40 and 57.8 of the Illinois Environmental Protection Act, to extend the period within which it may appeal the Agency's decision for an additional ninety (90) days.

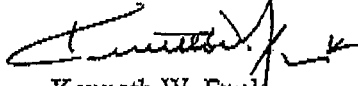
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B

It is our understanding that upon receipt of this letter you will proceed to prepare the necessary motion for filing with Illinois Pollution Control Board to effectuate the extension. If your understanding is other than as indicated herein or if I can provide any further information, please let us know immediately.

Your assistance and cooperation is appreciated.

Very truly yours,



Kenneth W. Funk

KWF/alj
Enclosures
cc: Victor Azar, Esq.
Ms. Mary Kruk

.1617912

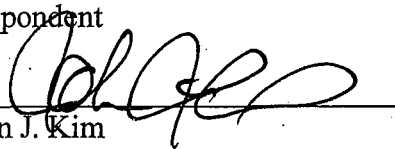
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 18, 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 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

Kenneth W. Funk
Deutsch, Levy & Engel
225 West Washington Street
Suite 1700
Chicago, IL 60606

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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