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OCT 03 2003

STATE OF ILLINOIS
Pollution Control Board

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

PREMCOR REFINING GROUP,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04- 40
(UST Fund – 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

Peter T. Sazama, P.G.
Philip Environmental Services Corporation
210 West Sand Bank Road
P.O. Box 230
Columbia, IL 62236

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: October 1, 2003

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STATE OF ILLINOIS
Pollution Control Board

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

PREMCOR REFINING GROUP,)	
Petitioner,)	
v.)	PCB No. 04- 40
ILLINOIS ENVIRONMENTAL)	(UST Fund – 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 December 30, 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 August 25, 2003, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)


2. On September 25, 2002, 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. The Petitioner represented in its cover page that the final decision was received on August 25, 2003, but the letter issued by the Illinois EPA has a "Received" stamp dated August 27, 2003. A conversation between the undersigned counsel and Peter T. Sazama confirmed that the date the Petitioner received the Illinois EPA's was in fact August 27, 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 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
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Dated: October 1, 2003



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

CERTIFIED MAIL #

0001 1879 9461

AUG 25 2003

The Premcor Refining Group
Attn: Timothy J. Mauntel, P.E., R.G.
8182 Maryland Avenue, Suite 600
St. Louis, Missouri 63105

RECEIVED
AUG 27 2003

PREMCOR

Re: LPC #1190855008 -- Madison County
Pontoon Beach/Clark Store #80-1893
3802 Highway 11
LUST Incident No. 942113
LUST FISCAL FILE

Dear Mr. Mauntel:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated July 28, 2003 and was received by the Agency on July 30, 2003. The application for payment covers the period from July 1, 2002 to November 1, 2002. The amount requested is \$25,008.85.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated July 9, 2002. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On July 30, 2003, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$17,696.54 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 application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) 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

Page 2

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 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:

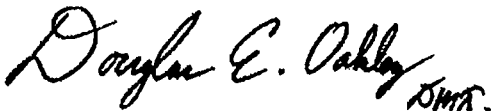
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Lieura Hackman of my staff at 217/782-6762.

Sincerely,

A handwritten signature in cursive script that reads "Douglas E. Oakley". To the right of the signature, the word "SMR" is written in a smaller, blocky font.

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

DEO:LH:ct\031316.doc

Attachment

Attachment A
Accounting Deductions

Re: LPC #1190855008 -- Madison County
Pontoon Beach/Clark Store #80
3802 Highway 11
LUST Incident No. 942113
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. \$7,232.23, deduction for costs associated with High Priority site activities. The billings submitted exceed the approved budget amounts. The Illinois EPA is unable to approve billings that exceed the approved budget amounts. (Section 57.8(a)(1) of the Act and 35 Ill. Adm. Code 732.601(f))

A deduction in the amount of \$6,941.60 was made on the amount requested for Personnel Costs.

A deduction in the amount of \$290.63 was made on the amount requested for Field Purchases and Other Costs.

2. \$80.08, deduction for costs which are unreasonable as submitted. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh))

This deduction was made on the handling charges requested in association with the Field Purchases and Other Costs. There were no receipts/invoices submitted with this claim that documented these costs. Handling Charges can only be paid when there is proof that the materials/services were provided by subcontractors and not billed direct to the owner/operator of the site.

LH:ct\031317.doc



INDUSTRIAL OUTSOURCING
GROUP

September 25, 2003

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

**Subject: Request for 90-Day Extension
Premcor Refining Group
Pontoon Beach Store #1893
LPC #1190855008
LUST Incident #942113**

RECEIVED
Division of Legal Counsel
SEP 26 2003
Environmental Protection
Agency

Dear Sir or Madam:

On behalf of the Premcor Refining Group (Premcor), Philip Environmental Services Corporation (Philip) is requesting an extension regarding the Illinois Environmental Protection Agency's (IEPA) review of the July 28, 2003 LUST Reimbursement Package.


On August 25, 2003, Premcor received from the IEPA the completed review of the above-dated Reimbursement Package. This review indicated \$17,696.54 was approved of the total amount requested (\$25,008.85).

Per our discussion with Lieura Hackman of IEPA, she advised Premcor to submit a Budget Amendment to Valerie Davis of the IEPA for the amount over budget. This extension will allow Premcor the needed time to prepare and submit the Budget Amendment.

If you have any questions, please contact Angie King or myself at 800-733-7173.


Sincerely,

PHILIP ENVIRONMENTAL SERVICES CORPORATION


Peter T. Sazama, P.G.
Project Manager

Attachments: Copy of Agency's Review dated 8-25-03

cc: Illinois Pollution Control Board
Valerie Davis, IEPA
Tim Mauntel, Premcor


B
PHILIP ENVIRONMENTAL SERVICES CORPORATION
210 West Sand Bank Road, P.O. Box 230, Columbia, IL 62236
(618) 281-7173 (800) 733-7173 Fax (618) 281-5120

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 1, 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

Certified 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

Peter T. Sazama, P.G.
Philip Environmental Services Corporation
210 West Sand Bank Road
P.O. Box 230
Columbia, IL 62236

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



John Y. Kim
Assistant Counsel
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