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STATE OF ILLINOIS
Pollution Control Board

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

MARTIN OIL MARKETING, LTD.,)
 Petitioner,)
 v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
 Respondent.)

PCB No. 04- 68
(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

Donald E. Waterlander
Martin Oil Marketing, Ltd.
4501 West 127th Street
Alsip, IL 60803

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 17, 2003

OCT 20 2003

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

STATE OF ILLINOIS
Pollution Control Board

MARTIN OIL MARKETING, LTD.,)	
· Petitioner,)	
v.)	PCB No. 04- 68
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 January 15, 2004, or any other date not more than a total of one hundred twenty-five (125) days from September 12, 2003, the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:


1. On September 10, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On September 30, 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. The Petitioner represented that the final decision was received on September 12, 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
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Dated: October 17, 2003

#96 - 9/12/03



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL #
70012510000212805893

SEP 10 2003

Martin Oil Marketing, Ltd.
Attention: Donald E. Waterlander
4501 West 127th Street
Alsip, IL 60658

Re: LPC #0316715025 -- Cook County
 Chicago/Martin Co.
 8100 South Ashland Avenue
 LUST Incident No. 940705
 LUST FISCAL FILE

Dear Mr. Waterlander:

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 15, 2003 and was received by the Agency on August 8, 2003. The application for payment covers the period from July 23, 1998 to July 31, 2003. The amount requested is \$11,900.80.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated September 18, 1996. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On August 8, 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 \$4,708.86 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 35-day period may be extended for a period of time not to exceed 90 days by written notice

A

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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:

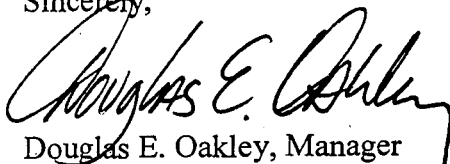
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Bill Richards of my staff at 217/782-6762.

Sincerely,



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

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Attachment

cc: ESG, Inc.

Attachment A
Accounting Deductions

Re: LPC #0316715025 -- Cook County
Chicago/Martin Co.
8100 South Ashland Avenue
LUST Incident No. 940705
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. \$1,435.94, deduction of costs due to the owner or operator receiving an excess payment from the Fund. (35 Ill. Adm. Code 732.612(c)(2))

While reviewing your recent claim submittal, the Agency became aware of an error made on the claim submittal received August 27, 1998 for \$47,408.90. A payment for \$44,671.13 was made on the Agency's Final Decision Letter dated November 20, 1998. The excess payment was made on two different line items, Report Preparation Costs - \$861.00 and Other Costs - \$574.94. The Agency is seeking recovery of \$1,435.94 utilizing the High Priority claim submittal received on August 8, 2003 in the amount of \$11,900.80 and are reapplying it to the line item breakdowns for Field Purchases and Other Costs to balance this account.

2. \$5,756.00, 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))

Report Preparation costs exceed the approved budget by \$5,650.00.
Other Costs line item exceed the approved budget by \$106.00.

DEO:WWR:jk\031174.doc



September 30, 2003

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

RECEIVED
Division of Legal Counsel
OCT 01 2003
Environmental Protection
Agency

RE: LPC #0316715025 – Cook County
Chicago/Martin Oil
8100 South Ashland Avenue
LUST Incident No. 940705
LUST FISCAL FILE

REQUEST FOR 90 – DAY EXTENSION

Martin Oil Marketing, Ltd., by representative for Petitioner, Donald Waterlander, files this request for a 90 – day extension on Tuesday, September 30, 2003. Martin Oil has received IEPA's submittal review on September 12th, 2003 and because this review reversed an previous decision on a claim from August 27, 1998, Martin Oil is reviewing all the claims on this location in regards to the approved budget with its consultant, ESG, Inc.

Martin Oil after this review and discussing information with IEPA's LUST Claims Unit as needed, Martin will determine if an appeal will be needed to be filed within this 90 – day extension.

Thank you in regards to this issue, and please call me with any questions or comments, at (708) 385-6500, ex 18.

Very truly yours,

MARTIN OIL MARKETING, LTD.

A handwritten signature in black ink, appearing to read "Donald E. Waterlander", is written over the typed name.

Donald E. Waterlander
General Manager,
Engineering, Construction, and Maintenance

Enclosure

CC: ESG, Inc.

B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 17, 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

Donald E. Waterlander
Martin Oil Marketing, Ltd.
4501 West 127th Street
Alsip, IL 60803

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



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