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

OCT 31 2003

STATE OF ILLINOIS
Pollution Control Board

LEMONT KAR GAS,)
Petitioner,)
v.) PCB No. 04- 18
ILLINOIS ENVIRONMENTAL) (LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)
Respondent.)

NOTICE

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

Wanda Skonie
Lemont Kar Gas
1196 State Street
Lemont, IL 60439

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 29, 2003

OCT 31 2003

STATE OF ILLINOIS
Pollution Control Board

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

LEMONT KAR GAS,)	
)	
Petitioner,)	
v.)	PCB No. 04- 18
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 29, 2004, or any other date not more than a total of one hundred twenty-five (125) days from September 26, 2003, the date of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On September 26, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)


2. On October 24, 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 did not represent when the final decision was received. (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: October 29, 2003

This filing submitted on recycled paper.

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

SEP 26 2003

CERTIFIED MAIL #

70012510000212797440

Lemont Kar-Gas, Inc.
Attention: Wanda Skonie
1196 State Street
Lemont, IL 60439

Re: LPC #0314625010 -- Cook County
Lemont/Lemont Kar-Gas (Citgo)
127th Street & 1196 State Street
LUST Incident No. 942117
LUST FISCAL FILE

Dear Ms. Skonie:

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 August 25, 2003 and was received by the Agency on August 26, 2003. The application for payment covers the period from September 1, 1994 to November 30, 1994. The amount requested is \$10,720.20.

The deductible amount to be assessed on this claim is \$10,000.00, \$2,833.50 to be deducted from this claim with \$7,166.50 remaining in order to fulfill the deductible. In addition to the deductible, there are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On August 26, 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 cannot be prepared for submission to the Comptroller's office 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 from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 997-3360
ELGIN - 595 South State, Elgin, IL 60120 - (815) 708-3360
BUREAU OF LAND - PEORIA - 7620 N. University, Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62762 - (217) 278-5800

Des Plaines, IL 60016 - (847) 294-4000
Joliet, Champaign, IL 61820 - (217) 278-5800
Collinsville, IL 62234 - (618) 346-5120

A

Attachment A
Accounting Deductions

Re: LPC #0314625010 -- Cook County
Lemont/Lemont Kar-Gas (Citgo)
127th Street & 1196 State Street
LUST Incident No. 942117
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. \$4,136.70, deduction for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

- a) Lemont Fire Protection District – Personnel – 19 people September 1 to 30, 1994 need time and material breakdown – lump sum = \$1,114.40.
- b) Lemont Fire Protection District – Stock Items – supplies and equipment = \$322.30.
- c) Lemont Fire Protection District – Subcontractors – Vergan Environmental Invoice #189 – 45 Day Report – need time and material breakdown = \$2,700.00.

2. \$3,750.00

Deduction for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

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))

- a) Lemont Fire Protection District – Equipment – need detailed breakdown of type of vehicles and both \$75/hour and 10 vehicles are excessive; 50 hours x \$75/hour = \$3,750.00.

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:

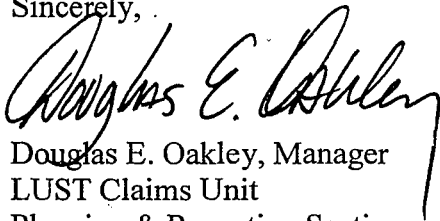
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Doug Tolan of my staff at 217/782-6762.

Sincerely,



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

DEO:DT;jk\030994.doc

Attachment

cc: United Science Industries

LEMONT KAR GAS

(630) 257-5050
1196 STATE ST.
LEMONT, IL. 60439

October 24, 2003

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, Il 62792-9276

RECEIVED
Division of Legal Counsel
OCT 29 2003
Environmental Protection
Agency

Re: LPC# 0314625010—Cook Co.
Lemont/Lemont Kar Gas
127th & 1196 State Street
LUST incident No. 942117
Attn: Susan Schroeder

Mrs. Schroeder:

I am requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (630) 878-7812

Sincerely yours,

Wanda Skonie
Wanda Skonie
Enclosures

B

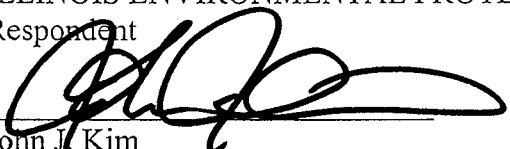
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 29, 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

Wanda Skonie
Lemont Kar Gas
1196 State Street
Lemont, IL 60439

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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