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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

LINCOLN TECHNICAL INSTITUTE,)	
Petitioner,)	
v.)	PCB No. 04-80
ILLINOIS ENVIRONMENTAL)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

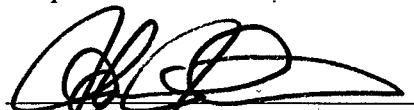
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Richard A. Wolfe
Wolfe and Polovin
180 North LaSalle Street
Suite 2420
Chicago, IL 60601

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: November 5, 2003

NOV 7 2003

STATE OF ILLINOIS
Pollution Control Board
**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

LINCOLN TECHNICAL INSTITUTE,)
 Petitioner,)
 v.)
ILLINOIS ENVIRONMENTAL) PCB No. 04- 80
PROTECTION AGENCY,) (LUST Appeal – Ninety Day Extension)
 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 February 5, 2004, or any other date not more than a total of one hundred twenty-five (125) days from October 3, 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 30, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On October 27, 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 October 3, 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 C. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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217/782-5544
217/782-9143 (TDD)
Dated: November 5, 2003



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

7002 3150 0000 1224 7419

SEP 30 2003

49501

Lincoln Technical Institute
Attention: Scott Shaw
200 Executive Drive, Suite 340
West Orange, NJ 07052

Re: LPC #0312220003 -- Cook County
Oak Lawn / Lincoln Technical Institute
8920 South Cicero Avenue
LUST Incident No. 902232 and 2000968
LUST Technical File

Dear Mr. Shaw:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budgets (budgets) submitted for the above-referenced incident. These budgets, dated June 12, 2003 and July 21, 2003, were received by the Illinois EPA on June 18, 2003 and July 24, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budgets are rejected for the reason(s) listed in Attachment A (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

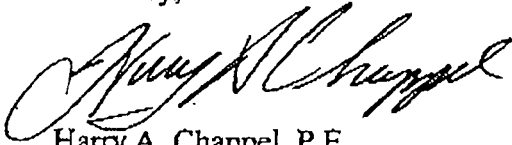
An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

A

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If you have any questions or need further assistance, please contact Carol Hawbaker at 217/782-5713.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Chappel". The signature is written in a cursive style with a large initial "H".

Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:CLH

Attachment: Attachment A

c: Environmental Protection Industries
Division File

Attachment A

Re: LPC # 0312220003 -- Cook County
Oak Lawn / Lincoln Technical Institute
8920 South Cicero Avenue
LUST Incident No. 902232 and 20000968
LUST Technical File

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

1. The budget was submitted after the issuance of a No Further Remediation Letter. Pursuant to 35 Ill. Adm. Code 732.405(d), any High Priority or Low Priority plan or budget shall be submitted to the Illinois EPA for review and approval, rejection, or modification in accordance with the procedures contained in Subpart E of 35 Ill. Adm. Code 732 prior to the issuance of a No Further Remediation Letter.

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

Law Offices

Wolfe and Polovin

Robert K. Polovin
Richard A. Wolfe

of Counsel
Bernard B. Wolfe

180 N. LaSalle Street
Suite 2420
Chicago, Illinois 60601
Telephone (312) 782-1681
Telefax (312) 782-5108

October 27, 2003

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Mail Code # 21
Springfield, Illinois 62794-9276

Attention: Mr. John Kim

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Division of Legal Counsel
OCT 30 2003

**Environmental Protection
Agency**

Re: **Lincoln Technical Institute ("Lincoln")**
LPC # 0312220003
LUST Incident Nol. 902232 and 2000968
Rejection of budget dated September 30, 2003

Dear Mr. Kim:

Please be advised the my office represents Lincoln Technical Institute in relation to the rejection of the budget submitted to the Illinois Environmental Protection Agency (IEPA) for approval. Request is hereby made for an extension of 90 days of the final decision which was received by Lincoln on October 3, 2003. A copy of the decision of the IEPA is attached to this correspondence.

I thank you in advance for your consideration in this matter.

Very truly yours,

WOLFE AND POLOVIN


Richard A. Wolfe

RAW:mec

cc: Lincoln Technical Institute, Attn: Alexandra Luster Esq.

B


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 5, 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

Richard A. Wolfe
Wolfe and Polovin
180 North LaSalle Street
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