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CLERK'S OFFICE

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

NOV 1 3 2003

WEBEL FOODS, INC.,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Respondent.

STATE OF ILLINOIS
Pollution Control Board

(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

F. Thomas DePaul DAI Environmental, Inc. Polo Park Business Center 27834 North Irma Lee Circle Lake Forest, IL 60045-5130

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 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 12, 2003

NOV 1 3 2003

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

WEBEL FOODS, INC.,)	
Petitioner,)	_
v.)	PCB No. 04- 8 →
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 February 9, 2004, or any other date not more than a total of one hundred twenty-five (125) days from the date of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

- 1. On October 7, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
- 2. On October 31, 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 7. 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 12, 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

OCT 0 7 2003

Tate and Lyle North America Attention: Patrick Mohan President, Support Services 2200 Eldorado Street Decatur, IL 62521

Re:

LPC #1490755017 -- Pike County

Pittsfield/Webel Feeds, Inc.

R. R. 3

LUST Incident Number 921798

LUST FISCAL FILE

Dear Mr. Mohan:

On June 5, 2003, the Agency sent you a letter regarding the site referenced above. Upon further review, an additional voucher for \$1,117.73 will be prepared for submission to the Comptroller's Office for payment as funds become available. Listed in Attachment A are costs that are being reimbursed from this further review request.

An underground storage tank owner or operator may appeal this decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision may, within 35 days after the notification of the final Agency decision, petition for a hearing before the Board; however, the 35-day period may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the 35-day initial appeal period.

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, please contact Susan Brock or myself at 217/782-6762.

Sincerely,

Douglas E. Oakley, Manager

Dauglas E. Oakley

LUST Claims Unit

Planning & Reporting Section

Bureau of Land

DEO:SB:jk\0310510.doc

Attachment

cc: DAI Environmental, Inc.

Attachment A Further Review Request

Re: LPC #1490755017 -- Pike County

Pittsfield/Webel Feeds, Inc.

R. R. 3

LUST Incident Number 921798

LUST FISCAL FILE

Upon review of the additional supporting documentation submitted, the following costs are being reimbursed from this further review request:

- 1. Terra-Trace #22-0029: Per Diem \$150.00 plus \$15 handling charge.
- 2. Technical Deductions: \$952.73 of the previous deductions is eligible for reimbursement.

Total \$1,117.73

DEO:SB:jk\0310510.doc



Environmental Engineers, Geologists and Scientists

Tel 847.573.8900 Fax 847.573.8953 Polo Park Business Center 27834 N. Irma Lee Circle Lake Forest, Illinois 60045-5130

October 31, 2003

VIA UPS DELIVERY

Mr. John J. Kim, Esq. Division of Legal Counsel Illinois Environmental Agency 1021 N. Grand Ave. East Springfield, Illinois 62794-9276 RECEIVED
Division of Legal Counsel
NOV 0.3 2000

Environmental Protection Agency

Re: Reimbursement Decision Appeal

LPC #1490755017 - Pike County

Pittsfield/Webel Feeds, Inc.

Rural Route 3 Pittsfield, IL

LUST Incident #891673 LUST FISCAL FILE

Dear Mr. Kim:

This letter is to serve as a written request for a time extension for filing a petition before the Illinois Pollution Control Board regarding the Agency's final decision for reimbursement. This request is being filed on behalf of Tate & Lyle North America. Copies of the previous decisions and correspondence are attached.

Sincerely,

DAI Environmental, Inc.

F. Thomas DePaul

Attachment

cc: Doug Oakley- LUST Claims Unit, IEPA Bureau of Land

Don Moster- Tate & Lyle North America

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 12, 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 F. Thomas DePaul DAI Environmental, Inc. Polo Park Business Center 27834 North Irma Lee Circle Lake Forest, IL 60045-5130

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent

John J. Kim

Assistant Counsel

Special Assistant Attorney General

Division of Legal Counsel

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P.O. Box 19276

Springfield, Illinois 62794-9276

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