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JAN 20 2004

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

STATE OF ILLINOIS Pollution Control Board

DRAKE TOWER APARTMENTS, INC.,)	
Petitioner,)	
v.)	PCB No. 04- 130
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 Steve Boom, Project Manager Shaw Environmental, Inc. 100 South Wacker Drive Suite 1130 Chicago, IL 60606

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

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: January 9, 2004

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BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

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ILLINOIS ENVIRONMENTAL)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
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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 April 8, 2004, 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 December 5, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
- 2. On January 7, 2004, 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: January 9, 2004



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILUNOIS 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 1227 3043

DEC 0 5 2003

Drake Towers Apartments, Inc Attn: Susan Gincarlo 179 E. Lake Shore Drive Chicago, Illinois 60611

Re:

LPC #0316085233 -- Cook County

Chicago/Drake Towers 179 East Lake Shore Drive LUST Incident No. 942871 LUST Technical File

Dear Ms. Gincarlo:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This information, dated July 28, 2003, was received by the Illinois EPA on September 8, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Sections 57.7(a)(1) and 57.7(c)(4)(D) of the Act and 35 Ill. Adm. Code 732.405(e) and 732.503(b), the High Priority Corrective Action Plan and the associated budget is rejected for the following reason(s):

The plan and budget were submitted after the issuance of a No Further Remediation Letter. Pursuant to 35 Ill. Adm. Code732.4059d), 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.

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

ROCKEORD - 4102 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000 ELCIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463

BUREAU OF LAND - PLOKIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463

• CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892

MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

11:40

From-

T-369 P.004/005

Page 2

Jan-07-04

If you have any questions or need further information, please contact Dawn Ingold at 217/785-8378.

Sincerely,

Hernando A. Albarracin

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

Shaw Environmental, Inc.

Appeal Rights Division File

T-369 P.005/005 F-516

Jan-07-04 11:41 From-

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 11:40

Jan-07-04

T-369 P.002/005

Shaw Environmental, Inc.

100 South Wacker Drive, Suite 1130 Chicago, IL 60606 312.499.3500 Fax: 312,499,3505



January 7, 2004

Mr. John Kim Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East Post Office Box 19276 Springfield, Illinois 62794-9276

RE:

90-Day Extension to File Appeal LPC #0316085322 - Cook County Chicago/Drake Tower Apartments, Inc. 179 East Lake Shore Drive LUST Incident No. 942871

Dear Mr. Kim:

On behalf of Drake Tower Apartments, Inc., Shaw Environmental is requesting an extension for filing a written petition for an appeal hearing in regard to the December 5, 2003 rejection of a High Priority Corrective Action Plan and budget for the above-referenced facility for a period of 90 days from original due date of January 9, 2004. Enclosed is a copy of the final decision from the Illinois EPA dated December 5, 2003 for your reference.

We are requesting this extension in order to determine if it is in the best interest of Drake Tower Apartments to appeal the final decision issued on December 5, 2003. It is anticipated that the petition for a hearing with the Illinois Pollution Control Board will be filed by March 31, 2004.

If you have questions concerning this request, please contact me at (312) 499-3507.

Sincerely,

SHAW ENVIRONMENTAL

Steve Boom Project Manager

cc: Sue Giancarlo, Drake Towers Apartments

A Shaw Group Company



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 9, 2004, 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 Steve Boom, Project Manager Shaw Environmental, Inc. 100 South Wacker Drive Suite 1130 Chicago, IL 60606

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Responden

John J. Kim

Assistant Counsel

Special Assistant Attorney General

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