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JAN 26 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

GRANITE CITY FIRE DEPARTMENT,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04- ²133
(LUST Fund – 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

Bryan S. Elledge, R.G., P.G.
Schrieber, Yonley & Associates
271 Wolfner Drive
Fenton, MO 63026

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: January 23, 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
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GRANITE CITY FIRE DEPARTMENT,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04-13 
(LUST Fund – Ninety Day Extension)

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 26, 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. The 125th day is actually April 25, 2004, a Sunday. The next business day is April 26, 2004. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 17, 2003, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)

2. On January 20, 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 represented that the final decision was received on or about December 22, 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 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 23, 2004



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

DEC 17 2003

City of Granite City
Attention: Mr. Ronald L. Selph
2000 Edison
Granite City, IL 62040

Re: LPC #1190405068 -- Madison County
Granite City/Granite City Fire Department
2300 Madison Avenue
LUST Incident Number 911147
LUST FISCAL FILE

Dear Mr. Selph:

On March 28, 2003, the Agency sent you a letter regarding the site referenced above. Upon further review, an additional voucher for \$2,774.22 will be prepared for submission to the Comptroller's Office for payment as funds become available.

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

A

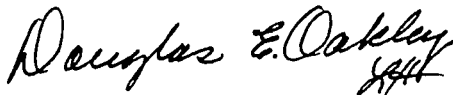
Page 2

For information regarding the filing of an extension, please contact:

Todd Reddig
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 Diana Gobelman of my staff or Brian Bauer of the LUST Section at 217/782-6762.

Sincerely,



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

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Attachment

cc: Schreiber Yonley & Associates

Attachment A
Technical Deductions

Re: LPC #1190405068 -- Madison County
Granite City / Granite City Fire Department
2300 Madison Avenue
LUST Incident No. 911147
LUST FISCAL FILE

<u>Item #</u>	<u>Description of Deductions</u>
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- | | |
|----|---|
| 1. | \$5,353.83, deduction for costs that lack supporting technical documentation as the owner or operator failed to demonstrate that the costs are for corrective action performed in accordance with the plans approved by the Agency (Section 22.18b(d)(4)(F) of the Environmental Protection Act). |
| 2. | \$262.50, deduction for costs which are not for Corrective Action activities (Section 22.18(e)(1)(C) and 22.18b(a)(3) of the Environmental Protection Act). |

BB\

Attachment A
Accounting Deductions

Re: LPC #1190405068 -- Madison County
Granite City/Granite City Fire Department
2300 Madison Avenue
LUST Incident Number 911147
LUST FISCAL FILE

<u>Item #</u>	<u>Description of Deductions</u>
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1.	\$13.60
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Deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

SYA Invoice 28793 – mileage and mileage rate (back-up documentation is for 90 miles, not 115 miles as billed)

2.	\$605.28, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).
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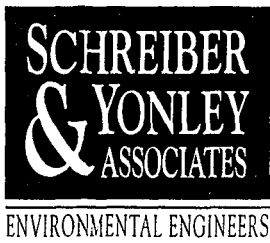
SYA Invoices 28381 and 28586 – environmental scientist rate - \$380.25

SYA Invoice 28381 – truck and interface probe rates - \$55.50

SYA Invoice 28381 – mileage rate - \$2.28

SYA Invoices 28793 and 28994 – environmental scientist III and senior scientist rates - \$167.25

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271 Wolfner Drive • Fenton, Missouri 63026
636/349-8399 • Fax 636/349-8384

January 20, 2004

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

RECEIVED
Division of Legal Counsel
JAN 22 2004
Environmental Protection
Agency

VIA FACSIMILE 217-782-9807

RE: Appeal Extension Request
LPC #1190405068 – Madison County
Granite City / Granite City Fire Department
2300 Madison Avenue
LUST Incident Number 911147

Dear Mr. Kim:

Schreiber, Yonley & Associates (SYA), on behalf of the City of Granite City, requests a 90-day extension of the appeal deadline for reimbursement items referenced in the attached December 17, 2003 Illinois Environmental Protection Agency (IEPA) correspondence. SYA received this correspondence on or about December 22, 2003. Should you have any questions concerning this submittal, please do not hesitate to contact me at 636-349-8399.

Sincerely,

SCHREIBER, YONLEY & ASSOCIATES

Bryan S. Elledge, R.G., P.G.
Environmental Scientist

BSE:bah

Attachment

cc: City of Granite City

X:\GCFH\020116\Correspondence\Appeal Extension Request.doc

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