

MAR 05 2004

**STATE OF ILLINOIS**  
**Pollution Control Board**

ILLIOPOLIS GRAIN COMPANY, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 04- 148  
(LUST Appeal – Ninety Day Extension)

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

Sallie Minks, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

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 L 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: March 3, 2004

MAR 05 2004

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

ILLIOPOLIS GRAIN COMPANY, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 04- 148  
(LUST Appeal – 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 June 1, 2004, or any other date not more than a total of one hundred twenty-five (125) days from January 28, 2004, the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On January 27, 2004, the Illinois EPA issued a final decision to the Petitioner.  
(Exhibit A)
2. On February 13, 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 final decision provided by the Petitioner indicates the letter was received on January 28, 2004. (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

A handwritten signature in black ink, appearing to read "John J. Kim", is written over a horizontal line.

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: March 3, 2004



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

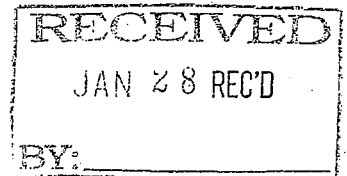
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

JAN 27 2004



Illiopis Grain Co.  
Attn: William Peters  
212 Anne Street  
Illiopis, Illinois 62539

Re: LPC #1670555006 -- Sangamon County  
Illiopis/Illiopis Grain Co.  
246 Louisia Street  
LUST Incident #922178  
LUST FISCAL FILE

Dear Mr. Peters:

The Agency has completed the review of the request for reimbursement of corrective action costs from the Illinois Underground Storage Tank Fund for the above-referenced facility. The invoices reviewed covered the period from June 1, 2003 to July 31, 2003. The amount requested was \$91,087.95.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated June 10, 1997. Listed in Attachment A are the costs which are not being reimbursed from this request and the reasons these costs are not being reimbursed.

On August 13, 2003, the Agency received your complete request for payment for this claim. As a result of the Agency's review of this claim, a voucher for \$87,030.95 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this claim. Subsequent claims that have been/are submitted will be processed based upon the date complete subsequent billings requests are received by the Agency.

This constitutes the Agency's final action with regard to the above invoices. An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 22.18b(g) 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

Page 2

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:

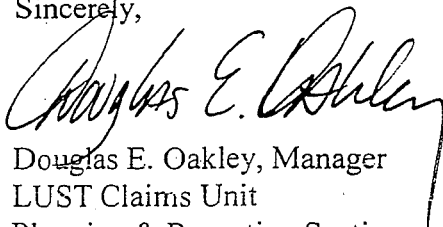
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

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 Kevin Mably of my staff or Sam Hale of Cliff Wheeler's staff at 217/782-6762.**

Sincerely,



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

DEO:KM:mls\043457.doc

Attachment

cc: United Science Industries

Attachment A  
Accounting Deductions

Re: LPC #1670555006 -- Sangamon County  
Illio polis/Illio polis Grain Co.  
246 Lousisia Street  
LUST Incident No. 922178  
LUST FISCAL FILE

<u>Item #</u>	<u>Description of Deductions</u>
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- |    |   |
|----|---|
| 1. | \$299.00, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act). |
|----|---|

United Science Industries - Invoice #18-13280	\$279.00	Personnel
United Science Industries - Invoice #18-13280	\$ 20.00	Equipment

\$299.00 Total Accounting Deductions

KM:mls\043459.doc

Attachment A  
Technical Deductions

Re: LPC #1670555006 -- Sangamon County  
Illioapolis/Illiopolis Grain Company  
246 Louisia Street  
LUST Incident No. 922178  
LUST FISCAL FILE

Item #      Description of Deductions

1. \$3,758.00, 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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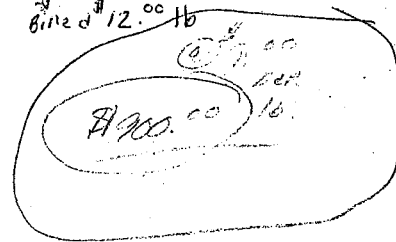
*Third claim.*

*personnel? 10% - 158.00*

*charges for 5% implementation above CAC = \$3,000.00*

*alter tech*

*6/12/12 12.00 16*





P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411  
Fax: (618) 735-2907  
E-Mail: [unitedscience@unitedscience.com](mailto:unitedscience@unitedscience.com)

February 13, 2004

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, IL 62792-9276

**Re: LPC# 1670555006 — Sangamon County  
Illioopolis/Illiopolis Grain Company  
246 Louisa Street  
LUST Incident No. 922178**

Dear Mr. John Kim:

United Science Industries, Inc. (USI), on behalf of our client, Mr. William Peters, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence dated January 27, 2004. A copy of the correspondence is attached.

I appreciate your time and consideration in this matter. If you have any questions or comments concerning the above, please contact me at (618) 735-2411 ext 166.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

*Sallie Minks*  
Sallie Minks  
Project Manager

Enclosures

cc: Mr. William Peters

**RECEIVED**  
Division of Legal Counsel  
FEB 17 2004  
Environmental Protection  
Agency

B



## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 3, 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

Sallie Minks, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
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