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MAR 08 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

PONTIAC CASEY'S, INC.,)
Petitioner,)
v.) PCB No. 04- 150
ILLINOIS ENVIRONMENTAL) (LUST - 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

James R. Nelson, P.G.
American Environmental Corporation
3700 West Grand Avenue
Suite A
Springfield, IL 62707

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: March 5, 2004

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: March 5, 2004

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



From Springfield Regional Office

Certified Mail: 7000 0520 0015 7111 2060

November 13, 2003

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Section
Attn: Scott McGill
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Re: **Site Investigation Plan and Budget**
LPC #1050605089 – Livingston County
Pontiac/Pontiac Casey's Inc.
703 East Howard Street
LUST Incident No. 20030495
LUST Technical File

Dear Mr. McGill:

This letter is a specific request for reconsideration of the budget reductions enumerated in your October 10, 2003 letter.

Our concerns center on the '\$5,118.00 for excessive personnel costs', reduction. We feel that the costs set forth in the original budget, submitted on September 19, 2003, are appropriate to adequately undertake the plan as approved by your office.

Our office has made repeated attempts to contact you regarding questions we have, relative to the approved Site Investigation Plan and Budget, referenced above. We consider the budget reductions to the personnel costs, to be significant and unwarranted. We question, where, in particular, these reductions have been made. We take great care in the preparation of our budget proposals and are confident that they represent a reasonable cost to carry out the work effort as described in the Site Investigation Plan.

Corporate Office

8500 Georgetown Road
Indianapolis, Indiana 46268-1647

Regional Office

3700 W. Grand Ave. Ste. A
Springfield, IL 62707

Regional Office

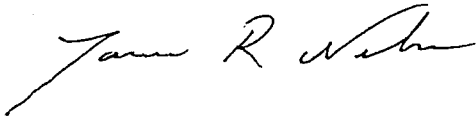
410 Production Court
Louisville, KY 40299
502.481.0144

American Environmental Corporation requests that the Agency allow us to further discuss the costs associated with this project, and, if necessary, provide justification in support of our proposed budget.

If you need additional information, please contact me at (217) 585-9517. Please send correspondence regarding this site to me at the Springfield address below.

Sincerely,

AMERICAN ENVIRONMENTAL CORPORATION

A handwritten signature in cursive script, appearing to read "James R. Nelson".

James R. Nelson, P.G.
Project Manager

pc: Glenn Norgart, Casey's General Stores, Inc



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 8522

OCT 10 2003

Casey's General Stores, Inc.
Attn: Glen Norgart
One Convience Blvd.
Ankeny, Iowa 50021

Re: LPC #1050605089 -- Livingston County
Pontiac/Pontiac Casey's, Inc.
703 East Howard St.
LUST Incident No. 20030495
LUST Technical File

Dear Mr. Norgart:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Investigation Plan (plan) submitted for the above-referenced incident. This plan, dated September 19, 2003, was received by the Illinois EPA on September 22, 2003. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Illinois EPA has determined that the activities proposed in this plan are appropriate to demonstrate compliance with Title XVI of the Act (Sections 57.7(a)(1) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b)). Therefore, the plan is approved.

In addition, the budget is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(d), 57.8(e) and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 732.606(s) and 732.611.

Attachment A

Re: LPC # 1050605089 -- Livingston County
Pontiac/Pontiac Casey's, Inc.
703 East Howard St.
LUST Incident No. 20030495
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

SECTION 1

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts have been approved:

✓\$4,703.44	Investigation Costs
✓\$1,020.00	Analysis Costs
\$9,300.00	Personnel Costs
✓\$615.00	Equipment Costs
✓\$1,365.84	Field Purchases and Other Costs
✓\$735.71	Handling Charges

SECTION 2

1. \$5,118.00 for excessive personnel costs. These costs are for activities in excess of those required to meet the minimum requirements of Title XVI of the Act (Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 732.505(c) and 732.606(o)).



From Springfield Regional Office

March 3, 2004

Illinois Environmental Protection Agency
Attn: John Kim
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Re: **Request for Extension for Petitioning the IPCB**
LPC #1050605089 – Livingston County
Pontiac/Pontiac Casey's Inc.
703 East Howard Street
LUST Incident No. 20030495
LUST Technical File

Dear Mr. Kim

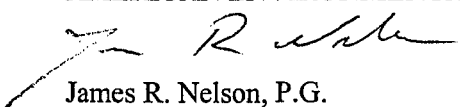
Casey's General Stores, Inc., requests that the Agency join them in requesting a 90-day extension to the 35-day deadline for filing a petition for a hearing before the Illinois Pollution Control Board (IPCB). This request is being made to preserve Casey's right to appeal the Agency decision contained in a October 10, 2003 letter and a subsequent Agency letter dated January 29, 2004, regarding, Casey's Site Investigation Plans and Budgets for the above referenced LUST incident. Copies of the letters are attached.

The additional time is needed for American Environmental to submit information and a request for the Agency to reconsider some of their budget deductions. If necessary, we will also meet with the Agency in an effort to resolve the issues without the need to submit a formal petition request.

Please take the necessary action to file this extension request before the 35-day appeal time expires on March 4, 2004. If you need additional information, please advise.

Sincerely,

AMERICAN ENVIRONMENTAL CORPORATION


James R. Nelson, P.G.
Project Manager

pc: Glenn Norgart, Casey's General Stores, Inc

Enclosure

Corporate Office

8500 Georgetown Road
Indianapolis, Indiana 46268-1647
317-871-4090
317-871-4884 Fax

Regional Office

3700 W. Grand Ave. Ste. A
Springfield, IL 62707
217-585-9517
217-585-9517 Fax

Regional Office

410 Production Court
Louisville, KY 40299
502-491-0144
502-491-0144 Fax


CERTIFICATE OF SERVICE

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

James R. Nelson, P.G.
American Environmental Corporation
3700 West Grand Avenue
Suite A
Springfield, IL 62707

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
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