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MAR 25 2004

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

**STATE OF ILLINOIS
Pollution Control Board**

CRAIG'S SERVICE STATION,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 04- 169
(LUST – 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

Kevin Saylor, P.E.
HDC Engineering
201 West Springfield Avenue
Suite 300
P.O. Box 140
Champaign, IL 61824-0140

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 23 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
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CRAIG'S SERVICE STATION,)
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v.)
ILLINOIS ENVIRONMENTAL)
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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 June 21, 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 February 17, 2004, the Illinois EPA issued a final decision to the Petitioner regarding a request for reimbursement from the Underground Storage Tank Fund. (Exhibit A)
2. On February 25, 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
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Dated: March 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

CERTIFIED MAIL

7002 3150 0000 1255 1653

FEB 17 2004

Craig Service Station
Attention: Harold Craig
1013 West Wood St.
Bloomington, IL 61701

Re: LPC #1130205258 -- McLean County
Bloomington/Craig's Service Station
905 South Morris
LUST Incident No. 990396
LUST Technical File

Dear Mr. Craig:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget (budget) Amendment submitted for the above-referenced incident. This budget, dated November 18, 2003, was received by the Illinois EPA on November 19, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is modified pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are 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(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

All future correspondence must be submitted to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

EXHIBIT

A

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-31
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309)
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217)
MARION - 2309 W. Main St.

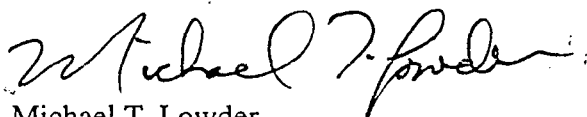
Harrison St., Des Plaines, IL 60016 - (847) 294-4000
St., Peoria, IL 61614 - (309) 693-5463
South First Street, Champaign, IL 61820 - (217) 278-5800
Mall Street, Collinsville, IL 62234 - (618) 346-5120
993-7200

Page 2

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

If you have any questions or need further assistance, please contact Robin McCain at 217/785-6309

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:RMM

rmm

Attachment: Attachment A
Appeal Rights

c: Kevin Saylor, HDC Engineering
Division File

RECEIVED

HDC ENGINEERING

Attachment A

Re: LPC #1130205258 -- McLean County
Bloomington/Craig's Service Station
905 South Morris
LUST Incident No. 990396
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act) 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 are approved:

High Priority Site Investigation Corrective Action Plan budget, approved September 11, 2003

\$7,730.50	Investigation Costs
\$14,462.22	Analysis Costs
\$57,927.00	Personnel Costs
\$37,145.98	Equipment Costs
\$133,351.13	Field Purchases and Other Costs
\$8,726.28	Handling Charges

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

Modified High Priority Corrective Action Plan Budget Amendment, dated November 10, 2003, received by the Illinois EPA on November 18, 2003

\$610.95	Analysis Costs
\$3,100.00	Personnel Costs
\$880.00	Equipment Costs
\$14,171.86	Field Purchases and Other Costs
\$1,612.27	Handling Charges

* Total High Priority Corrective Action Plan budget

\$7,730.50	Investigation Costs
\$15,073.17	Analysis Costs
\$61,027.00	Personnel Costs
\$38,025.98	Equipment Costs
\$147,522.99	Field Purchases and Other Costs,
\$10,338.55	Handling Charges

SECTION 2

1. The Illinois EPA has determined that the following costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 IAC Section 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are reasonable (35 IAC Section 732.505(c)).
 - A. Deduct \$20,675.25 from Personnel Costs Section. Personnel costs are unreasonable as submitted.
 - B. Deduct \$480.00 from Field Purchases and Other Costs Section, under Abandon Wells. Rate is unreasonable as submitted.

2. The following costs are for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act) and 35 Ill. Adm. Code 732 (Section 732.505(c)). Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund (35 Ill. Adm. Code 732.606(o)). In addition, these costs are not corrective action costs. "Corrective action" means an activity associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action." (Section 57.9(a)(7) of the Act)

In addition, the following costs related to activities, materials, or services not necessary to stop, minimize, eliminate, or clean up a release of petroleum or its effects in accordance with the minimum requirements of the Act and regulations are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(y)). This cost is not a corrective action cost. "Corrective action" means an activity associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act (Section 57.2 of the Act and 35 Ill. Adm. Code 732.103). One of the eligibility requirements for accessing the Fund is that costs are associated with "corrective action" (Section 57.9(a)(7) of the Act and 35 Ill. Adm. Code 732.505(c)).

- Deduct \$1,075.56 from Field Purchases and Other Costs Section, under Sewer Repair Materials and Sewer Repair.
3. Deductions from the following sections of the budget, make it necessary to recalculate the sales tax and handling charges less the deducted amounts.
 - A. Deduct \$80.67, from Field Purchases and Other Costs Section, under Sales Tax on Fill, Concrete, and Sewer Materials. Given that Sewer Repair Materials and

Sewer Repair are not eligible for reimbursement, the lump sum sales tax amount was recalculated and reduced accordingly.

- B. Deduct \$130.89, from Handling Charges. Deductions from the sections of the budget which handling charges are calculated, make it necessary to recalculate the handling charges less the deducted amounts.

RMM\

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



February 25, 2004
CERTIFIED MAIL 7002 0510 0002 7979 3626

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: LPC #1130205258 – McLean County
Bloomington/Craig's Service Station
905 South Morris
LUST Incident No. 990396

201 W. Springfield Ave., Suite 300
P.O. Box 140
Champaign, Illinois 61824-0140
BUS. (217) 352-6976
FAX (217) 356-0570

Sir/Madame:

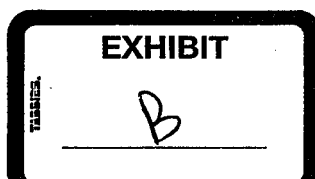
On behalf of Craig's Service Station, HDC Engineering is requesting a 90 day extension to the initial 35 day filing period regarding the reimbursement decision notice dated February 17, 2004. A copy of this decision is enclosed. If you have any questions or need additional information, I can be reached at (217) 352-6976.

Respectfully,
HDC Engineering

A handwritten signature in black ink, appearing to read "Kevin Saylor".

Kevin Saylor, PE
Environmental Engineer

cc: File




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 23, 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

Kevin Saylor, P.E.
HDC Engineering
201 West Springfield Avenue
Suite 300
P.O. Box 140
Champaign, IL 61824-0140

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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