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MAR 29 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

CITY OF SULLIVAN,)
Petitioner,)
v.) PCB No. 04- 173
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

Daniel A. King, 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 J. Kun
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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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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Pollution Control Board

CITY OF SULLIVAN,)	
)	
Petitioner,)	
v.)	PCB No. 04- 173
ILLINOIS ENVIRONMENTAL)	(LUST Appeal – Ninety Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

**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 22, 2004, or any other date not more than a total of one hundred twenty-five (125) days from February 18, 2004, the date of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On February 18, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On March 3, 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: March 23, 2004

This filing submitted on recycled paper.



JK

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 1769

FEB 18 2004

City of Sullivan
Mr. Rick Bennett
2 West Harrison
Sullivan, IL 61951

Re: LPC #1390305024 -- Moultrie County
Sullivan/ City of Sullivan-Wyman Park
North Park Street
LUST Incident No. 20020216
LUST Technical File

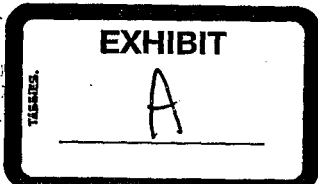
Dear Mr. Bennett:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget amendment (budget) submitted for the above-referenced incident. This budget, dated January 14, 2004, was received by the Illinois EPA on January 20, 2004. 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.

For informational purposes only, the Agency requests a soil sample be taken prior to treatment from the area subject to the sodium persulfate injections and analyzed for chemical oxygen demand. This sample may be taken the day of injections and is included in the modified budget.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-
ELGIN - 595 South State, Elgin, IL 60120 - (847) 608-31
BUREAU OF LANDS - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309)
SPRINGFIELD - 4301 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

All future correspondence must be submitted to:

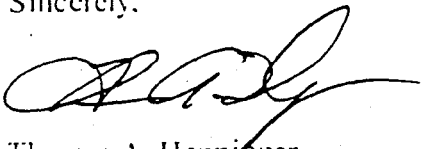
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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

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 Dave Myers at 217/785-7491.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH\DM:drm HPam3BUD.doc

Attachment: Attachment A
Appeal Rights

c United Science Industries, Inc.
• Division File

Attachment A

Re: LPC #1390305024 -- Moultrie County
Sullivan/ City of Sullivan-Wyman Park
North Park Street
LUST Incident No. 20020216
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

The budget was previously approved for:

\$3204.00	Investigation Costs
\$7420.00	Analysis Costs
\$51,548.00	Personnel Costs
\$17,157.00	Equipment Costs
\$45,030.80	Field Purchases and Other Costs
\$631.55	Handling Charges

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

\$7782.55	Investigation Costs
\$7220.00	Analysis Costs
\$28,075.00	Personnel Costs
\$11,095.00	Equipment Costs
\$21,232.95	Field Purchases and Other Costs
\$89.32	Handling Charges

Therefore, the total cumulative budget is approved for:

\$10,986.55	Investigation Costs
\$14,640.00	Analysis Costs
\$79,623.00	Personnel Costs
\$28,252.00	Equipment Costs
\$66,263.75	Field Purchases and Other Costs
\$720.87	Handling Charges

SECTION 2

1. \$195.00 for an adjustment in investigation cost associated with the per foot boring charge. The Illinois EPA has determined that these costs are not reasonable as submitted

(Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

2. Analysis costs are increased by \$200.00 to account for the two closure soil BTEX samples inadvertently left out of the budget and the one COD soil sample analysis requested in this letter by the Agency.
3. \$3547.00 for an adjustment in personnel costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.
4. \$815.00 for an adjustment in equipment costs associated with PID rental, water level indicator rental and vehicle rental. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.
5. \$360.00 for an adjustment in equipment cost associated with the electric control panels. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

A monthly rate of \$280.00 is allowed.

6. \$355.00 for an adjustment in equipment cost associated with injection equipment. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

These costs are included in the per foot charge allowed.

7. \$2000.00 for an adjustment in field purchases and other costs associated with O2 tubes. These costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 Ill. Adm. Code 732.505(c)).

The approved plan allows for the installation of 7 additional treatment tubes.

8. \$6492.60 for an adjustment in field purchases and other costs associated with sodium persulfate material. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

This budget allows for the maximum projected pounds of material at \$1.20 per pound. Field conditions may limit the actual pounds applied. Subsequent billing packages should reflect only the amount of material used at the above maximum price per pound.

9. \$513.80 for an adjustment in field purchases and other costs associated with ferrous sulfate material. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 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 Ill. Adm. Code 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

This budget allows for the maximum projected pounds of material at \$0.30 per pound. Field conditions may limit the actual pounds applied. Subsequent billing packages should reflect only the amount of material used at the above maximum price per pound.

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

RECEIVED
Division of Legal Counsel

MAR 05 2004

Environmental Protection
Agency



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

March 3, 2004

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

**Re: LPC# 1390305024-Moultrie Co.
Sullivan/City of Sullivan – Wyman Park
North Park Street
LUST Incident No. 20020216
ATTN: John Kim**

Dear Mr. Kim:

United Science Industries, Inc. (USI), on behalf of our client, the City of Sullivan, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence included.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 131.

Sincerely yours,

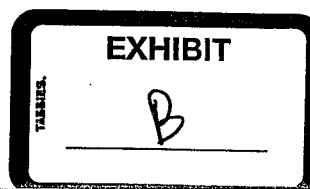
UNITED SCIENCE INDUSTRIES, INC.

Beth Giaccone

for Daniel A. King
Project Manager

Enclosures

DK:bg



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

Daniel A. King, 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
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P.O. Box 19276
Springfield, Illinois 62794-9276
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217/782-9143 (TDD)