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APR 13 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

LARRY WEINEKE,)
Petitioner,)
v.) PCB No. 04- 180
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

Mark Owens, 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. 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: April 9, 2004

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STATE OF ILLINOIS
Pollution Control Board

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

LARRY WEINEKE,)	
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Petitioner,)	
v.)	PCB No. 04- 180
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 July 12, 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. The 125th day is July 11, 2004, a Sunday. The next business day is July 12, 2004. In support thereof, the Illinois EPA respectfully states as follows:

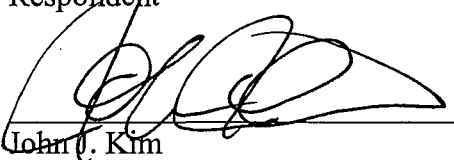
1. On March 5, 2004, the Illinois EPA issued a final decision to the Petitioner.
(Exhibit A)
2. On March 15, 2004, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The final decision indicates that the final decision was received on March 8, 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



John C. 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: April 9, 2004



110
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

MAR 05 2004

Larry Weineke
Oakwood Acres
Fairfield, IL 62960

RECEIVED
MAR 08 REC'D
BY:

Re: LPC #1270155056 -- Massac County
 Metropolis/Larry Weineke
 201 West 10th Street
 LUST Incident No. 20031268
 LUST FISCAL FILE

Dear Mr. Weineke:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated February 9, 2004 and was received by the Agency on February 13, 2004. The application for payment covers the period from August 1, 2003 to December 31, 2003. The amount requested is \$15,142.84.

The deductible amount to be assessed on this claim is \$10,000.00. A portion of the deductible in the amount of \$8,953.34 will be applied to this claim. The remaining balance of \$1,046.66 will be assessed on future claims. In addition to the deductible, there are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On February 13, 2004, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher cannot be prepared for submission to the Comptroller's office for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) 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 owner or operator and the Illinois EPA within the initial 35-day appeal period. If the

EXHIBIT
A

Page 2

applicant 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

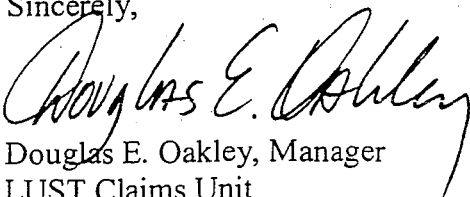
For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

This letter rescinds the Agency letter dated March 3, 2004.

If you have any questions or require further assistance, please contact Bill Richards of my staff at 217/782-6762.

Sincerely,



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

DEO:WWR:jk\0430918.doc

Attachment

cc: United Science Industries

Attachment A
Accounting Deductions

Re: LPC #1270155056 -- Massac County
Metropolis/Larry Weineke
201 West 10th Street
LUST Incident No. 20031268
LUST Fiscal File

Citations in this attachment are from and the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Item # Description of Deductions

1. \$6,189.50, deduction for costs incurred for the removal, disposal, or abandonment of the underground storage tank(s), which were not removed in accordance with Office of the State Fire Marshal regulations. (Section 57.5(b) of the Act and 35 Ill. Adm. Code 732.606(i))

An Administrative Order letter dated November 21, 2000 from the OSFM was received by the IEPA along with the OSFM Reimbursement Eligibility and Deductible Application dated December 15, 2003. Due to the Administrative Order being issued, the Agency is unable to pay for tank removal costs.

Personnel - \$4,130.00 Equipment - \$1,877.50 Stock Items - \$182.00

DEO:WWR:jk\0430918.doc

RECEIVED
Division of Legal Counsel

MAR 17 2004

Environmental Protection
Agency

Phone: (618) 735-2411

Fax: (618) 735-2907

E-Mail: unitedscience@unitedscience.com



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

March 15, 2004

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

**Re: LPC# 1270155056--Massac Co.
Metropolis/Larry Weineke
201 West 10th Street
LUST Incident No. 20031268
ATTN: John Kim**

Dear Mr. Kim,

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

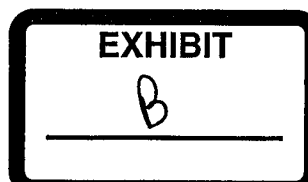
I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 ext. 175.

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.


Mark Owens
Project Manager

Enclosures



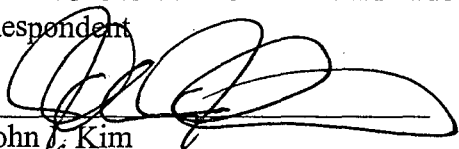
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 9, 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

Mark Owens, Project Manager
United Science Industries
P.O. Box 360
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