

RECEIVED
CLERK'S OFFICE

APR 15 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

PETE'S MARATHON,)
Petitioner,)
v.) PCB No. 04- 184
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

Marlena Mackie
3035 Santa Barbara Drive
Brookfield, WI 53005

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 U. 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 13, 2004

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: April 13, 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

CERTIFIED MAIL

70023160000012566251

FEB 17 2004

Pete's Marathon
Attn: Marlina Mackie
3035 Santa Barbara Drive
Brookfield, WI 53005

Re: LPC #1214220017 -- Marion County
Centralia/Pete's Marathon
539 South Poplar
LUST Incident #892101
LUST FISCAL FILE

Dear Ms. Mackie:

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 August 31, 2003. The amount requested was \$9,329.19.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated November 8, 1993. 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 October 6, 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 \$8,530.66 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

EXHIBIT
A

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:

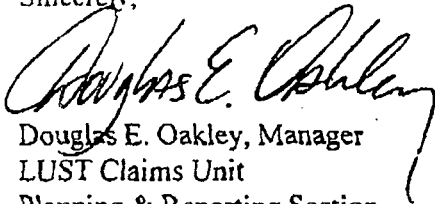
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 at 217/782-6762.

Sincerely,



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

DEO:KM:bjh\043253.doc

Attachment

cc: Philip Environmental Services Corporation
bcc: Division File
LCU File
Kevin Mably

RECEIVED
Division of Legal Counsel

MAR 15 2004

Environmental Protection
Agency

3/15

March 12, 2004
3035 Santa Barbara Drive
Brookfield, WI. 53005

TO: T. RUTTG
FR: S. PHILLIPS
PROV. VOUCHER
REQUETS.

Scott Phillips, Attorney (FAX: 217/782-9807)
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217/782-5544)

Re: Request for 90-Day Extension of IEPA Final Determination received, March 9, 2004 t
LPC #1214220017-Marion County
Centralia/Pete's Marathon
539 South Poplar
LUST Incident #892101

Dear Mr. Phillips:

This letter is a request for a 90-day extension of the Final Determination rendered in the communication from IEPA received March 9, 2004. During the extension period my intent is to submit the necessary documentation to receive additional reimbursements.

The information describing the portions of the submittals that were denied are detailed in "Attachment A" that is enclosed with this letter.

The billing period was June 1, 2003 -August 31, 2003. The work consisted of per diem for workers, Teklab costs and other miscellaneous costs.

The IEPA correspondence that denied this requests is attached to this letter. I am trusting that you can assist me in obtaining the extension. This is the same procedure that I used in the past and you were able to assist me.

I have faxed a copy of this letter to Mr. James Malcom, III, IEPA Manager for this LUST site

Please advise me if I need to do anything else to help you assist me in obtaining the 90-day extension. I can be reached at the address and the telephone number given on this letter.

Thank you for you assistance in this very complicated, lengthy, and stressful process of soil remediation.

Sincerely,
Marlena Mackie

Marlena Mackie
(262) 784-2676
c: James Malcom (FAX: 217/534-4193)

EXHIBIT
B

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 13, 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

Marlena Mackie
3035 Santa Barbara Drive
Brookfield, WI 53005

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)