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STATE OF ILLINOIS  
Pollution Control Board

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

CASEY'S GENERAL STORES, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 04-195  
(LUST Appeal - Ninety Day Extension)

**NOTICE**

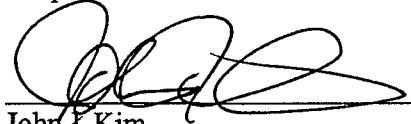
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Nancy E. Mackiewicz, P.G.  
Superior Environmental Corporation  
3001 Montvale Drive  
Suite C  
Springfield, IL 62704

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: May 6, 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 V. 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: May 6, 2004

This filing submitted on recycled paper.



# 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 RENEÉ CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7002 3150 0000 1255 9192

**MAR 31 2004**

CASEY'S GENERAL STORES INC  
Attn: Glenn Norgart  
One Convenience Blvd  
Ankeny, IA 50021

**RECEIVED**  
APR 1 2004  
BY: \_\_\_\_\_

Re: LPC #0730105001—Henry County  
Andover/Casey's General Stores  
Southeast corner of 5th & Locust St.  
LUST Incident No. 20011206  
LUST Technical File

Dear Mr. Norgart:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Plan Budget (budget) submitted for the above-referenced incident. This budget, dated February 02, 2004, was received by the Illinois EPA on February 05, 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.

The Budget Letter discussed the following:

- a. The consultant is concerned with reduction of 1650.00 in personnel reimbursement costs.
- b. The consultant is concerned with personnel reductions made by the IEPA,
- c. The consultant is concerned with waste water disposal costs reduced to approximately \$1.00 per gallon.

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) 693-5462 • 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  
 tabbies

Page 2

The following response is presented in response to these concerns:

a. " Part of the \$16,500 deduction is the result of approval of the \$2,200 in Site Classification Reimbursements from the Site classification Work Plan Budget dated April 09, 2002. For reimbursement of the HPCAP Reimbursement Claim, the Agency has reviewed the activities to be completed as part of the plan and approved a reasonable amount of personnel dollars for this effort."

b. Personnel cuts:

"The Agency has reviewed the activities to be completed as part of the plan and approved a reasonable amount of personnel dollars for this effort.

We do not specify number of hours or type of personnel expected to complete the proposed activities, only a reasonable total amount. How a consultant chooses to use this amount (type of personnel used and number of hours) is up to them as long as the approved total amount is not exceeded and the personnel rates are reasonable.

c. Wastewater disposal costs on a per drum cost has been adjusted in Attachment A.

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

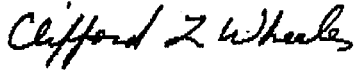
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

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

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If you have any questions or need further assistance, please contact Wayne Zuehlke at 217/557-6937.

Sincerely,



Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW: WZ\20011206HPCAPBUDFEB04.doc

Attachment: Attachment A  
Appeal Rights

cc: Superior Environmental Corp  
Division File

Attachment A

Re: LPC #0730105001—Henry County  
Andover/Casey's General Stores  
Southeast corner of 5th & Locust St.  
LUST Incident No. 20011206  
LUST Technical File

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

**SECTION I**

The budget was previously approved for:

\$3489.25	Investigation Costs
\$1053.00	Analysis Costs
\$3845.00	Personnel Costs
\$481.00	Equipment Costs
\$2254.50	Field Purchases and Other Costs
\$542.55	Handling Charges

The following amounts are approved:

\$111.15	Investigation Costs
\$0.00	Analysis Costs
\$0.00	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$0.00	Handling Charges

Therefore, the total cumulative budget is approved for:

\$3600.40	Investigation Costs
\$1053.00	Analysis Costs
\$3845.00	Personnel Costs
\$481.00	Equipment Costs
\$2254.50	Field Purchases and Other Costs
\$542.55	Handling Charges

WZ\20011206Attachment A\_HPCAPFEB04.doc



ENVIRONMENTAL CORP

May 4, 2004  
Certified Mail

Mr. John Kim  
Division of Legal Counsel #21  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
P.O. Box 19276  
Springfield, Illinois 62794

Re: Filing for Extension  
LPC #073010501- Henry County  
Southeast corner of 5th & Locust Streets  
LUST Incident No. 20011206  
Project No.: SP1032.00

Dear Mr. Kim:

I am requesting for a 90-day extension for filing an appeal concerning a final decision made in regard to a High Priority Corrective Action Plan (HPCAP) for the above reference site. The date of the IEPA's final decision letter was March 31, 2004. A copy of the letter is enclosed.

The reductions the IEPA made to the scope of work and to the costs for the associated work in the HPCAP were made using the IEPA's rate sheet. As you know, in *Illinois Ayers Oil Company v. Illinois Environmental Protection Agency*, the Illinois Pollution Control Board found the IEPA was using the rate sheet improperly because it was never promulgated.

If you would like to discuss this or have questions please feel free to call me.

Sincerely,  
Superior Environmental Corp

Nancy E. Mackiewicz, P.G.  
Senior Professional Geologist

Enclosure

Cc: Glenn Norgart  
File No: SP1032.00

9440 9225 2000 0991 8007

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Restricted Delivery Fee (Endorsement Required)		05/04/04
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SPRINGFIELD IL 62794-9276

Sent To: *John Kim: Div LEGAL COUNSEL #21*

Street, Apt. No. or PO Box No. PO Box 19276

City, State, ZIP+4 1021 North Grand Avenue East  
Springfield IL 62794-9276

PS Form 3800, June 2003

ROCHELLE OFFICE  
951 South 7th Street, Suite 200  
Rochelle, IL 61068  
815-562-5541 Fax 815-562-5543

CORPORATE OFFICE  
1128 Franklin Street  
Marne, MI 49435  
616-667-4000 Fax 667-3668

SPRINGFIELD OFFICE  
3001 Montvale Drive, Suite C  
Springfield, IL 62704  
217-698-3926 Fax 217-698-3957






## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 6, 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

Nancy E. Mackiewicz, P.G.  
Superior Environmental Corporation  
3001 Montvale Drive  
Suite C  
Springfield, IL 62704

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
\_\_\_\_\_  
John J. Kim  
Assistant Counsel  
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