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JUN 16 2004 *

STATE OF ILLINOIS
Pollution Control Board
Washington, D.C.

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June 15, 2004

PCB 04-221

By Facsimile (217) 782-9807
and Overnight Mail

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Mail Code 21
Springfield, Illinois 62794-9276

Re: SG Supply, 12900 South Throop Street, Lust Incident No. 20011086
Request for Extension of Time to File Appeal of May 18, 2004 Decision

Dear Legal Counsel:

SG Supply, through its legal counsel Gardner Carton & Douglas LLP, respectfully requests that the Illinois Environmental Protection Agency ("Illinois EPA") grant an extension of time to file an appeal of a final decision issued by the Illinois EPA to SG Supply on May 18, 2004 related to the above-referenced Lust Incident Number. This request is made pursuant to Sections 40 and 57.7(c)(4)(D) of the Illinois Environmental Protection Act, which allows an extension of the time that an applicant can petition the Illinois Pollution Control Board ("Board") for a hearing from 35 days to 90 days. The Illinois EPA's final decision was issued on May 18, 2004, and the 35-day appeal period will expire on June 22, 2004.

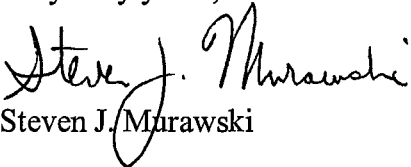
SG Supply is requesting that the Illinois EPA agree to extend the period to allow additional time for discussion between the Illinois EPA and SG Supply of certain proposed Lust Fund Reimbursement costs that the Agency denied. Specifically, in its final decision, the Illinois EPA denied "\$23,820.00 for proposed concrete replacement" and "\$68,680.00 for sewer line repair, water line repair, gas line repair, fence replacement, removal and installation of storage racks, and shoring of sewer line." While the Illinois EPA asserted that the costs did not meet the eligibility requirements for accessing the Fund because the costs allegedly are not associated with "corrective action" as defined by the rules, SG Supply and its contractors are evaluating whether the Agency's position is contradicted by the regulations and prior awards from the Fund.

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SG Supply requests this extension so that it has ample time to reevaluate the corrective action necessary to appropriately remediate the facility and to evaluate what specific actions should be reimbursed according to the rules. Furthermore, SG Supply believes that this short extension of time will allow it to contact the Illinois EPA to potentially resolve any misunderstanding by the Agency about SG Supply's proposed High Priority Correction Action Plan; these discussions may eliminate the need for a hearing in this matter. Finally, if the parties cannot come to an agreement on allowable costs, the extra time will allow the parties to identify and limit the issues to be addressed at any hearing that may be necessary to address the Illinois EPA' final decision.

Thank you for your consideration, and please let me know if you need additional information.

Very truly yours,


Steven J. Murawski

cc: Dorothy Gunn, Clerk, IPCB ✓
Dennis Carlin
Dwight Deleeuw

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