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AUG 09 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

HALL'S AUTOMOTIVE (SIPB),)
Petitioner,)
v.) PCB No. 05- 20
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

Carolyn S. Hesse
Barnes & Thornburg
Suite 4400
One North Wacker Drive
Chicago, IL 60606-2809

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: August 5, 2004

AUG 09 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

HALL'S AUTOMOTIVE (SIPB),)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 20
(LUST - Ninety Day Extension)

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 November 3, 2004, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On June 30, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)

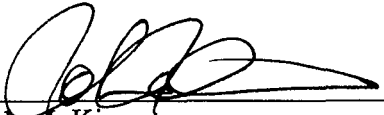
2. On July 15, 2004, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner has not represented when the final decision was received, though it would not have been received earlier than July 1, 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 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
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Dated: August 5, 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

RENEE CIPRIANO, DIRECTOR

217/782-6762

JUN 30 2004

CERTIFIED MAIL

7002 3150 0000 1251 5150

Hall's Automotive
Attention: Charles Hall
P.O. Box 477
Rosiclare, IL 62982

Re: LPC #0690155006 - Hardin County
Rosiclare / Hall's Automotive
123 Main Street
LUST Incident No. 20021746
LUST Technical File

2004
Ch

Dear Mr. Hall:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Investigation Plan Budget (budget) submitted for the above-referenced incident. This budget, dated May 19, 2004, was received by the Illinois EPA on May 19, 2004. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

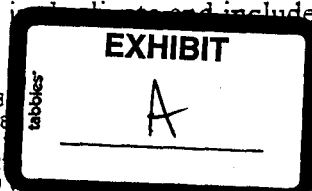
The budget is rejected for the reason(s) listed below (Sections 57.7(a) and 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b)).

The plan budget is rejected for the following reason(s):

In accordance with Section 57.7(c)(4) of the Act, any action by the Illinois EPA to disapprove or modify a plan or budget submitted pursuant to Title XVI of the Act shall be provided to the owner or operator in writing within 120 days of receipt.

The Illinois EPA previously notified the owner or operator of its final action. Further, in accordance with Section 57.7(c)(4) of the Act, any action by the Illinois EPA to disapprove or modify a plan or budget, or rejection of any plan or budget by operation of law, shall be subject to appeal to the Illinois Pollution Control Board within 35 days after the Illinois EPA's final action.

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



ROCKFORD - 4302 North Main Street, Rockford, IL 61103
ELGIN - 595 South State, Elgin, IL 60123 - (815) 398-2300
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62761
MARION - 2309

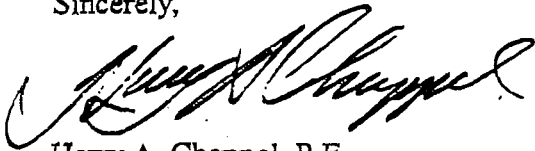
- 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
N. University St., Peoria, IL 61614 - (309) 693-5463
MAISON - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
MOUNTAIN VIEW - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MORNINGSTAR - 62959 - (618) 993-7200

Page 2

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 Carol Hawbaker at 217/782-5713.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:CLH

c: CW3M Company
Division File

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

07/01/2004
CA

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

BARNES & THORNBURG

Carolyn S. Hesse
(312) 244-8301
Email: chesse@btlaw.com

Suite 4400
One North Wacker Drive
Chicago, Illinois 60606-2509 U.S.A.
(312) 357-1313
Fax (312) 759-5646

www.btlaw.com

July 15, 2004

VIA FACSIMILE & FEDERAL EXPRESS

Mr. John Kim
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

RECEIVED
Division of Legal Council

JUL 15 2004

Environmental Protection
Agency

Re: LPC #0690155006 - Hardin County
Rosiclare / Hall's Automotive
123 Main Street
LUST Incident No. 20021746
LUST Technical File

Dear John:

On June 30, 2004, the Agency issued a letter with respect to the above-referenced LUST Incident regarding a new, amended Site Investigation Plan Budget, dated May 19, 2004, which was received by the Agency on May 19, 2004. Hall's Automotive is located in Rosiclare, which is in Hardin County. A copy of the letter is attached. The new, amended Site Investigation Plan Budget was submitted pursuant to 35 IAC Section 732.405(e) which states as follows:

If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

EXHIBIT

B

Chicago

Elkhart

Fort Wayne

Indianapolis

South Bend

Washington, D.C.

Mr. John Kim
July 15, 2004
Page 2

It appears that the Agency did not review these documents in accordance with the procedures contained in Subpart E.

Hall's Automotive believes that, based upon discussions with Illinois Environmental Protection Agency and for other reasons, that we will be able to resolve the issues raised in the Agency's letter. However, we believe that we will not be able to resolve these issues by the deadline for filing an appeal of these issues to the Illinois Pollution Control Board. Thus, this is a request for a 90-day extension pursuant to the Illinois Environmental Protection Act Section 40(a)(1) and 35 IAC 105.406 to allow us to continue these discussions and to try to resolve this issue.

If, for any reason, the Agency will not seek the 90-day extension, please notify me immediately so that I may file the appeal to the Board. If you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,

BARNES & THORNBURG LLP



Carolyn S. Hesse

CSH/jmr
Enclosure
cc: William Sinnott
Carol L. Rowe
227716v1

CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on August 5, 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

Carolyn S. Hesse
Barnes & Thornburg
Suite 4400
One North Wacker Drive
Chicago, IL 60606-2809

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent


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