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SEP 03 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

UNITED PARCEL SERVICE (Claim #2),)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 47
(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

Hugh B. Devery, P.G.
Blasland, Bouck & Lee, Inc.
975 Cobb Place Boulevard, NW
Suite 311
Kennesaw, GA 30144-4817

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: September 1, 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

UNITED PARCEL SERVICE (Claim #2),)
Petitioner,)
v.) PCB No. 05- 47
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 January 5, 2005, 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:

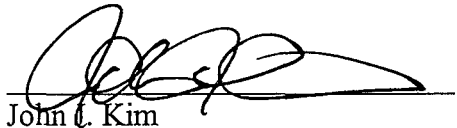
1. On July 28, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On August 25, 2004, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner did not represent when the final decision was received, though the Illinois EPA notes the final decision could not be delivered until July 29, 2004 at the earliest. (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 T. 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: September 1, 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

JUL 28 2004

United Parcel Service
Attention: Linda Lyons, Environmental Manager
55 Glenlake Parkway, NE
Atlanta, GA 30328

Re: LPC #1630100026 -- St. Clair County
Belleville/United Parcel Service
8200 Excellence Place
LUST Incident #911959
LUST FISCAL FILE

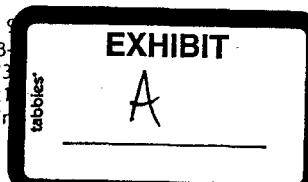
Dear Ms. Lyons:

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 March 1, 2000 to December 31, 2001. The amount requested was \$95,831.10.

The deductible amount for this claim is \$10,000.00, which was previously deducted from the Invoice Voucher dated October 7, 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 December 23, 2003, the Agency received your complete request 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 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 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



Page 2

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:

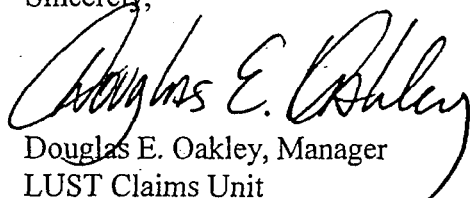
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Richard Nykiel of my staff or Sam Hale of Cliff Wheeler's staff at 217/782-6762.

Sincerely,



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

DEO:RJM:jk\041637.doc

Attachment

cc: Blasland, Bouck & Lee, Inc.

Attachment A
Technical Deductions

Re: LPC #1630100026 -- St. Clair County
Belleville/United Parcel Service
8200 Excellence Place
LUST Incident No. 911959
LUST FISCAL FILE

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

Item # Description of Deductions

1. \$95,831.10

Deduction for costs associated with corrective action that was not conducted in accordance with an Agency approved plan (Section 22.18b(d)(4)(E) of the Environmental Protection Act).

Deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

The Agency has determined that the costs associated with activities proposed are beyond the scope and measure of the Agency-approved Plan.

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Attachment A
Accounting Deductions

Re: LPC #1630100026 -- St. Clair County
Belleville/United Parcel Service
8200 Excellence Place
LUST Incident #911959
LUST FISCAL FILE

The following costs are included in the Technical Deductions, but are also being denied by Accounting for the following reasons:

Item # Description of Deductions

1. \$2,589.24, deduction in costs that the owner/operator failed to demonstrate were reasonable (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Blasland, Bouck & Lee, Inc.-Invoice#78494-200005	\$19.10	Handling on denied
#78494-200006	\$11.82	No handling on in-house items
#78494-200007	\$6.07	Handling on denied phone costs
#78494-200008	\$4.60	Handling on denied phone costs
#78494-200008	\$0.60	Handling on denied meal
#78494-200008	\$3.36	Handling on denied shipping costs
#78494-200009	\$2.91	Handling on denied phone costs
#78494-200009	\$17.74	No handling on in-house items
#78494-200011	\$3.17	No handling on in-house items
#78494-200011	\$2.34	Handling on denied phone costs
#78494-200011	\$4.65	Handling on denied phone costs
#78494-200012	\$17.06	No handling on in-house items

#78494-200012	\$10.58	Handling on denied shipping costs
#78494-200013	\$27.00	No handling on per diem
#78494-200013	\$10.54	Handling on denied phone costs
#78494-200013	\$2.60	No handling on in-house items
#78494-200013	\$15.96	Handling on denied shipping costs
#78494-200101	\$53.74	No handling on in-house items-
#78494-200101	\$4.01	Handling on denied phone charges
#78494-200101	\$14.81	Handling on denied shipping costs
#78494-200101	\$5.13	Handling on denied shipping costs
#78494-200103	\$144.00	Handling on Dalco Services
#78494-200103	\$0.11	No handling on in-house items
#78494-200103	\$16.20	Handling on denied hotel cost
#78494-200103	\$5.29	Handling on denied shipping cost
#78494-200104	\$0.11	No handling on in-house items
#78494-200104	\$7.46	Handling on denied hotel cost
#78494-200104	\$2.10	Handling on denied shipping cost
#78494-200104	\$120.00	Handling Dalco
#78494-200009	\$140.98	Handling Air Fare
#78494-200112	\$1,161.00	Handling Dalco
#78494-200112	\$298.20	Handling Dalco

#78494-200112	\$216.00	Handling Dalco
#78494-200112	\$240.00	Handling Dalco

2. \$674.73, deduction for an adjustment in overnight mail charges (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Blasland, Bouck & Lee, Inc.-Invoice#78494-200005	\$159.13	Shipping not to a lab
#78494-200008	\$28.00	Shipping not to a lab
#78494-200011	\$38.75	Shipping not to a lab
#78494-200012	88.15	Shipping not to a lab
#78494-200013	\$132.97	Shipping not to a lab
#78494-200101	\$123.40	Shipping not to a lab
#78494-200101	\$42.75	Shipping not to a lab
#78494-200103	\$44.08	Shipping not to a lab
#78494-200104	\$17.50	Shipping not to a lab

3. \$18,590.78, deduction for an adjustment in costs due to a lack of supporting documentation (Section 22.18b(d)(4)(C) of the Environmental Protection Act).

Blasland, Bouck & Lee, Inc.-Invoice#78494-200007	\$50.54	Phone costs-need to know who was called
#78494-200008	\$38.30	Phone costs-need to know who was called
#78494-200008	\$5.00	Need receipt-meal
#78494-200009	\$24.19	Phone costs-need to know who was called
#78494-200011	\$19.49	Phone costs-need to know who was called

#78494-200013	\$87.78	Phone costs-need to know who was called
#78494-200101	\$33.56	Phone costs-need to know who was called
#78494-200103	\$135.00	Need hotel bill and who traveled
#78494-200009	\$1,174.81	Air fare-need arrival city and date and departure city and date
✓ #78494-200112	\$9,675.00	Need time and material breakdown-Dalco sub page 1
✓ #78494-200112	\$2,485.00	Need time and material breakdown-Dalco sub page 2
#78494-200112	\$1,800.00	Need time and material breakdown-Dalco sub page 3
##78494-200112	\$2,000.00	Need time and material breakdown-Dalco sub page 3
✓ #78494-200104	\$1,000.00	Need time and material breakdown-Dalco
#78494-200104	\$62.11	A. Lore didn't work in March-Comfort Inn

4. \$1,200.00 , deduction for costs associated with replacement of concrete and/or asphalt (Section 22.18(e)(1)(C) of the Environmental Protection Act).

Blasland, Bouck & Lee, Inc.-Invoice#78494-200103

Dalco Services

5. \$2,137.51, deduction for an adjustment in Handling Charges of greater than the allowed Sliding Scale (Section 22.18b(i)(2) of the Environmental Protection Act).

Blasland, Bouck & Lee, Inc.-Invoice#78494-200005	\$9.41	Handling over allowed limit
#78494-200007	\$1.51	Handling over allowed limit
#78494-200008	\$3.50	Handling over allowed limit
#78494-200009	\$42.83	Handling over allowed limit
#78494-200011	\$2.54	Handling over allowed limit
#78494-200012	\$6.91	Handling over allowed limit
#78494-200013	\$21.83	Handling over allowed limit
#78494-200013	\$4.64	Handling over allowed limit
#78494-200101	\$18.15	Handling over allowed limit
#78494-200101	\$1.28	Handling over allowed limit
#78494-200101	\$686.89	Handling over allowed limit
#78494-200101	\$33.08	Handling over allowed limit
#78494-200103	\$101.25	Handling over allowed limit
#78494-200103	\$7.90	Handling over allowed limit
#78494-200101	\$2.83	Handling over allowed limit
#78494-200104	\$34.20	Handling over allowed limit
#78494-200112	\$381.50	Handling over allowed limit
#78494-200112	\$117.75	Handling over allowed limit
#78494-200112	\$130.47	Handling over allowed limit
	\$529.04	Handling

\$25,192.26 Total Accounting Deductions

BBL®

BLASLAND, BOUCK & LEE, INC.
engineers & scientists

Transmitted Via UPS NDA

August 25, 2004

Illinois Environmental Protection Agency
Mr. John Kim,
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

**Re: Request for Petition Extension for Reimbursement of Corrective Action Costs
LPC #1630100026 – St. Clair County
Belleville/United Parcel Service
8200 Excellence Place
LUST Incident #911959**

BBLES Project #: 37044.100

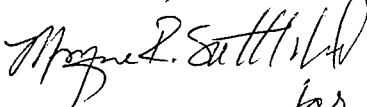
Dear Mr. Kim:

We are in receipt of a decision letter dated July 28, 2004 concerning Lust Incident #911959 from the Illinois Environmental Protection Agency. On behalf of United Parcel Service (UPS), BBL (BBL) respectfully requests a 90 day extension for claim # 2 received by your office on December 23, 2003. This request for reimbursement was submitted to the Illinois Environmental Protection Agency for the amount of \$95,831.10, with invoices covering a period from March 1, 2000 to December 31, 2001.

If you have any questions, or require additional information, please feel free to contact Ms. Linda Lyons of UPS at (404) 828-6766, or BBL at (770) 428-9009 extension 11.

Sincerely,

BLASLAND, BOUCK & LEE, INC.



Hugh B. Devery, P.G. *for*
Project Manager

MRS/mrs

Enclosure: Illinois EPA Decision Letter

cc: Ms. Linda Lyons, UPS 55 Glenlake Parkway, NE; Atlanta, Georgia 30328; w/o attachment
File

975 Cobb Place Blvd. NW • Suite 311 • Kennesaw, GA 30144-4817

Tel (770) 428-9009 • Fax (770) 428-4004 • www.bbl-inc.com • offices nationwide

11742363ExtnRqst Rmbrsmt Claim2.doc

EXHIBIT

B

tabbles

CERTIFICATE OF SERVICE


I, the undersigned attorney at law, hereby certify that on September 1, 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

Hugh B. Devery, P.G.
Blasland, Bouck & Lee, Inc.
975 Cobb Place Boulevard, NW
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



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