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OCT 21 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

CITY OF SULLIVAN,)
)
) Petitioner,)
) v.) PCB No. 05- 73
) ILLINOIS ENVIRONMENTAL) (LUST Appeal – 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

Daniel A. King, Project Manager
United Science Industries
P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, IL 62898-0360

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: October 19, 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

CITY OF SULLIVAN,)
Petitioner,)
v.) PCB No. 05- 73
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 18, 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 September 13, 2004, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On September 21, 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’s request included information that represented that the final decision was received on September 14, 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: October 19, 2004



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

COPY

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 RENE E CIPRIANO, DIRECTOR

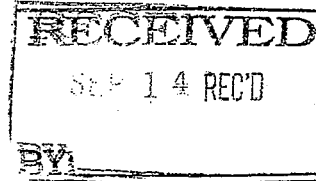
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1113 6912

SEP 13 2004

City of Sullivan
Mr. Rick Bennett
2 West Harrison
Sullivan, IL 61951



Re: LPC #1390305024 -- Moultrie County
Sullivan/ City of Sullivan-Wyman Park
North Park Street
LUST Incident No. 20020216
LUST Technical File

Dear Mr. Bennett:

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 July 20, 2004, was received by the Illinois EPA on July 21, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

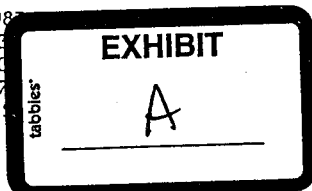
The budget is approved for the amounts listed in Section 1 of Attachment A. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

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.

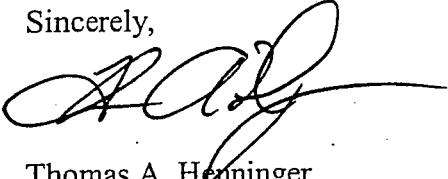
ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-3300
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3300
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 278-5800
MARION - 2309 W. Main St., Marion, IL 62959 - (618) 993-7200
V. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
City St., Peoria, IL 61614 - (309) 693-5463
25 South First Street, Champaign, IL 61820 - (217) 278-5800
09 Mall Street, Collinsville, IL 62234 - (618) 346-5120
(618) 993-7200



Page 2

If you have any questions or need further assistance, please contact Dave Myers at 217/785-7491.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:DM:drm\HPam4BUDapp.doc

Attachment: Attachment A

c: United Science Industries, Inc.
Division File

Attachment A

Re: LPC #1390305024 -- Moultrie County
Sullivan/ City of Sullivan-Wyman Park
North Park Street
LUST Incident No. 20020216
LUST Technical File

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

SECTION 1

The budget was previously approved for:

\$10,986.55	Investigation Costs
\$14,640.00	Analysis Costs
\$79,623.00	Personnel Costs
\$28,252.00	Equipment Costs
\$66,263.75	Field Purchases and Other Costs
\$720.87	Handling Charges

The following amounts are approved as a part of a settlement agreement dated June 3, 2004 with the Illinois Environmental Protection Agency :

\$195.00	Investigation Costs
\$0.00	Analysis Costs
\$3547.00	Personnel Costs
\$1530.00	Equipment Costs
\$7006.40	Field Purchases and Other Costs
\$0.00	Handling Charges

The following amounts in this budget amendment are not allowed. 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. These amended amounts were not a part of the June 3, 2004 settlement agreement. 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 the 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.

\$6808.00	Investigation Costs
\$218.00	Analysis Costs
\$1320.00	Personnel Costs
\$165.00	Equipment Costs
\$3150.00	Field Purchases and Other Costs
\$2224.64	Handling Charges

Therefore, the total cumulative budget is approved for:

\$11,181.55	Investigation Costs
\$14,640.00	Analysis Costs
\$83,170.00	Personnel Costs
\$29,782.00	Equipment Costs
\$73,270.15	Field Purchases and Other Costs
\$720.87	Handling Charges

DM:drm\HPam4BUDappA.doc



P.O. Box 360
6295 East Illinois Highway 15
Woodlawn, Illinois 62898-0360

Phone: (618) 735-2411
Fax: (618) 735-2907
E-Mail: unitedscience@unitedscience.com

September 21, 2004

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

**Re: LPC# 1390305024—Moultrie County
Sullivan / City of Sullivan – Wyman Park
North Park Street
LUST Incident No. 20020216
LUST Technical File
USI Project #1800038**

RECEIVED
Division of Legal Counsel

SEP 23 2004

**Environmental Protection
Agency**

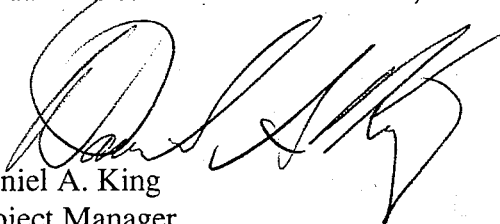
To Whom It May Concern:

United Science Industries, Inc. (USI), on behalf of our client, the City of Sullivan, is requesting a 90-day extension of the 35-day appeal period in regards to the IEPA correspondence included.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at 618-735-2411 extension 131.

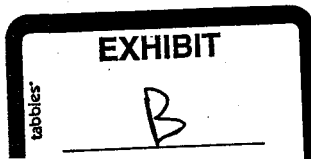
Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.


Daniel A. King
Project Manager

Enclosures

DAK;jlr




CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 19, 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

Daniel A. King, Project Manager
United Science Industries
P.O. Box 360
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