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FEB 28 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

WILSON SPORTING GOODS,)
Petitioner,)
v.) PCB No. 05- 158
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 May 26, 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 January 19, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On February 22, 2005, 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 represented that the final decision was received on January 21, 2005. (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
217/782-9143 (TDD)
Dated: February 24, 2005

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

CERTIFIED MAIL

7002 3150 0000 1105 7347

JAN 19 2005

Wilson Sporting Goods Company
Attention: Andre Pabarue
8700 West Bryn Mawr
Chicago, Illinois 60631

Re: LPC 0312645006 -- Cook County
River Grove/Wilson Sporting Goods
2233 West Street
Incident #910584
LUST Technical File

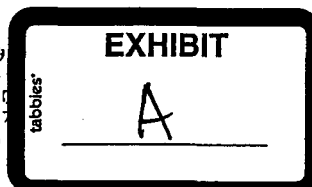
Dear Mr. Pabarue:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Reports (reports) submitted pursuant to 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.300(b). The report, dated September 29, 2004 and October 5, 2004, was received by the Illinois EPA on September 30, 2004 and October 6, 2004.

Pursuant to 35 Ill. Adm. Code 732.300(b)(1), an owner or operator may choose to remediate soil and groundwater in accordance with the remediation objectives in 35 Ill. Adm. Code 732.408 without conducting a site classification. If owners or operators choose not to characterize the site in accordance with the procedures established in Title XVI of the Environmental Protection Act and 35 Ill. Adm. Code 732. and to proceed under 35 Ill. Adm. Code 732.300(b)(1), they may not be entitled to full payment if a request for reimbursement from the Underground Storage Tank Fund is submitted.

Pursuant to 35 Ill. Adm. Code 732.503(b), the report is rejected for the reason(s) described below:

1. The report fails to include a completed Owner/Operator Property Summary Form. This form must be signed by the owner of the property.



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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 questions or need further assistance, please contact Mindy Weller at 217/782-6762.

Sincerely,



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

HAC:MW:mw\910584.DOC

cc: Megan Wells-Paske, Pioneer Engineering & Environmental Services, Inc.
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

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
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203 North LaSalle Street, Suite 1800
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February 22, 2005

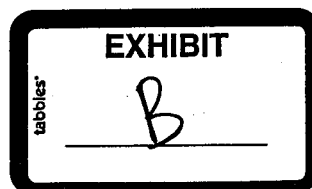
U.S. MAIL AND FACSIMILE - (217) 782-9807

Mr. John Kim
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Dear Mr. Kim:

Pursuant to this letter, Wilson Sporting Goods Co. (Wilson Sporting Goods) is seeking Illinois Environmental Protection Agency's (IEPA) approval of a 90 day extension of the time for Wilson Sporting Goods to respond to IEPA's determination that Wilson Sporting Goods' Leaking Underground Storage Tank Corrective Action Completion Report (Completion Report) was deficient when submitted. Wilson Sporting Goods has for some time endeavored to obtain the record owner's signature on the Completion Report. The response action undertaken does not require any land use restrictions and Wilson Sporting Goods is optimistic that the property owner will sign the Completion Report within the next 90 days. As such, Wilson Sporting Goods requests that IEPA send a joint notice to the Illinois Pollution Control Board requesting the 90 day extension pursuant to 415 Ill. Comp. Stat. 5/40(c).

On January 21, 2005, Wilson Sporting Goods received the attached letter from IEPA. In that letter IEPA indicated that it was rejecting Wilson Sporting Goods' Completion Report given the fact that the owner of the parcel at issue had not signed the report. Wilson Sporting Goods was the owner and operator of an underground storage tank that was recently closed. The response action implemented does not require any land use restrictions. Wilson Sporting Goods, however, does not own the property where the underground storage tank was located. Wilson Sporting Goods has sent the Completion Report to the record owner, is in discussions with the property owner's counsel, and is optimistic that the property owner will sign the Completion Report within the next 90 days. Therefore, Wilson Sporting Goods is requesting the 90 day extension.





Mr. John Kim
February 22, 2005
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We are continuing to communicate with the record owner in the hopes of speeding this process. We will notify you if circumstances change and will file the Completion Report when signed.

As per our conversation this morning, you indicated that IEPA is inclined to proceed to notify the Illinois Pollution Control Board that it concurs with Wilson Sporting Goods' request for an extension. We would appreciate it if you would confirm at your earliest convenience when IEPA will file the joint request for an extension with the Illinois Pollution Control Board.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

DLA PIPER RUDNICK GRAY CARY US LLP

A handwritten signature in black ink, appearing to read 'Michael H. Elam'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael H. Elam

MHE/mah
Enclosure

cc: Mindy Weller
Timothy J. Patenode, Esq.
Raymond M. Berens, Esq.
Andre C. Pabarue, Esq.
Melissa A. Hearne, Esq.


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 24, 2005, 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

Michael H. Elam
DLA Piper Rudnick Gray Cary US LLP
203 North LaSalle Street
Suite 1900
Chicago, IL 60601-1293

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
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