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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

MAR - 8 2005

STATE OF ILLINOIS
Pollution Control Board

YE OLDE GLASS SHOPPE,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 162
(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

John Kroeger, 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: March 4, 2005

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BEFORE THE POLLUTION CONTROL BOARD
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YE OLDE GLASS SHOPPE,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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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 June 6, 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. The 125th day from service is June 5, 2005, a Sunday. In support thereof, the Illinois EPA respectfully states as follows:

1. On January 27, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On February 15, 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's request included information that represented that the final decision was received on January 31, 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: March 4, 2005



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

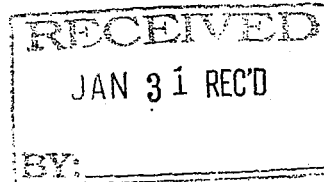
217/782-6762

CERTIFIED MAIL

7002 3150 0000 1253 2904

JAN 27 2005

Ye Olde Glass Shoppe
802 Archer Avenue
Marshall, IL 62441



Re: LPC #0230105033 – Clark County
Marshall/Ye Olde Glass Shoppe
802 Archer Avenue
LUST Incident No. 990233
LUST Technical File

Dear Mr. Wesley:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended High Priority Corrective Action Plan and Budget submitted for the above-referenced incident. The Illinois EPA received this amended plan and budget, dated August 2004, on October 1, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the amended High Priority Corrective Action Plan is modified. The following modifications are necessary, in addition to those provisions already outlined in the amended plan, to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732:

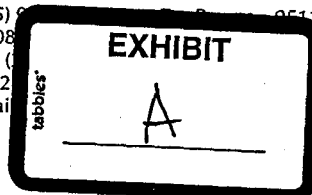
1. The owner or operator modeled the benzene contamination in wall sample W-12 to the groundwater table. The predicted benzene concentration in the groundwater, 0.645 milligrams per liter (mg/l), exceeded the Tier 1, Class 1 groundwater remediation objectives; therefore, the owner or operator modeled the predicted benzene concentration. The predicted benzene concentration in the groundwater will attenuate 77 feet from the source (W-12); therefore, the owner or operator will need to obtain a Highway Authority Agreement for Archer Avenue and an Environmental Land Use Control for the property on the west side of State Route 1 (Marshall Fire Department).

Please note that all activities associated with the remediation of this release proposed in the amended High Priority Corrective Action Plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

Pursuant to Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c), the amended High Priority Corrective Action Plan Budget is modified. Based on the modifications listed in Section 2 of

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 963-7300
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 Street, Marion, IL 62959 – (618) 993-7200

9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
University St., Peoria, IL 61614 – (309) 693-5463
125 South First Street, Champaign, IL 61820 – (217) 278-5800
009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
(618) 993-7200



Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved High Priority Corrective Action 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.

If the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended High Priority Corrective Action Plan and/or Budget is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). If reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended High Priority Corrective Action Plan Budget must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter (Section 57.8(a)(5) of the Act and 35 Ill. Adm. Code 732.405(e)).

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.

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 Trent Benanti at 217/524-4649.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:TLB:H:\Projects\Ye Olde Glass Shoppe\Letter8.doc

Attachments: Attachment A
Appeal Rights

c: United Science Industries, Inc.
Division File

Attachment A

Re: LPC #0230105033 – Clark County
Marshall/Ye Olde Glass Shoppe
802 Archer Avenue
LUST Incident No. 990233
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 High Priority Corrective Action Plan Budget was previously approved for:

\$ 0.00	Investigation Costs
\$ 5,883.00 ✓	Analysis Costs
\$ 21,305.00 ✓	Personnel Costs
\$ 1,360.00 ✓	Equipment Costs
\$120,737.05 ✓	Field Purchases and Other Costs
\$ 480.72 ✓	Handling Charges

As a result of the Illinois EPA's modifications in Section 2 of this Attachment A, the amended High Priority Corrective Action Plan Budget is approved for:

\$ 0.00	Investigation Costs
\$ 0.00	Analysis Costs
\$ 7,065.00	Personnel Costs
\$ 120.00	Equipment Costs
\$ 0.00	Field Purchases and Other Costs
\$ 0.00	Handling Charges

Therefore, the total, cumulative High Priority Corrective Action Budget is approved for:

\$ 0.00	Investigation Costs
\$ 5,883.00	Analysis Costs
\$ 28,370.00	Personnel Costs
\$ 1,480.00	Equipment Costs
\$120,737.05	Field Purchases and Other Costs
\$ 480.72	Handling Charges

SECTION 2

1. \$8,780.00 for personnel costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A High Priority Corrective Action Plan Budget must include, but not be limited to, an accounting of all costs associated with the development, implementation, and completion of the applicable activities (Section 57.7(c)(1)(B) of the Act and 35 Ill. Adm. Code 732.405(b)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs will not be used for activities in excess of those necessary to meet the minimum requirements of Title XVI of the Act (Section 57.5(a) of the Act and 35 Ill. Adm. Code 732.606(o)).

1. (Continued from the previous page)

The amended High Priority Corrective Action Plan includes a summary of the corrective action excavation results (in tabular and raw form), copies of the manifests and weight tickets, photographs of the corrective action excavation, a model of the benzene contamination in wall sample W-12, five updated/new figures, a proposal for a Highway Authority Agreement and an amended High Priority Corrective Action Plan Budget.

Neither the owner or operator nor the consultant provided documentation, which justifies the excessive personnel and hours associated with preparation of the amended plan and budget. As far as the Illinois EPA is concerned, the Professional Geologist is duplicating the efforts of the Professional Engineer, the Environmental Specialist and the Project Coordinator are duplicating the efforts of the Project Manager and the Remediation Project Manager is duplicating the efforts of the Project Manager. A Project Manager, Draftsman, Clerical employee and Professional Engineer ought to be able to prepare the amended plan and budget. In addition, the Draftsman ought to be able to update/prepare five figures in an eight-hour day.

Note: The Illinois EPA considers the reimbursement package and budget tracking costs to be part of the approved High Priority Corrective Action Plan, Budget and Completion Report preparation costs. The Illinois EPA has already approved sufficient monies for preparation of the High Priority Corrective Action Plan, Budget and Completion Report.

2. \$8,780.00 for an adjustment in the personnel costs. Costs for investigative activities and related services or materials for developing a High Priority corrective action plan that are unnecessary or inconsistent with generally accepted practices or unreasonable costs for justifiable activities, materials or services are ineligible for payment from the Fund (35 Ill. Adm. Code 732.606(cc)).

The amended High Priority Corrective Action Plan includes a summary of the corrective action excavation results (in tabular and raw form), copies of the manifests and weight tickets, photographs of the corrective action excavation, a model of the benzene contamination in wall sample W-12, five updated/new figures, a proposal for a Highway Authority Agreement and an amended High Priority Corrective Action Plan Budget.

The personnel and hours associated with the preparation of the amended plan and budget are inconsistent with generally accepted practices and unreasonable. As far as the Illinois EPA is concerned, the Professional Geologist is duplicating the efforts of the Professional Engineer, the Environmental Specialist and the Project Coordinator are duplicating the efforts of the Project Manager and the Remediation Project Manager is duplicating the efforts of the Project Manager. A Project Manager, Draftsman, Clerical employee and Professional Engineer ought to be able to prepare the amended plan and budget. In addition, the Draftsman ought to be able to update/prepare five figures in an eight-hour day.

Note: The Illinois EPA considers the reimbursement package and budget tracking costs to be part of the approved High Priority Corrective Action Plan, Budget and Completion Report preparation costs. The Illinois EPA has already approved sufficient monies for preparation of the High Priority Corrective Action Plan, Budget and Completion Report.

3. \$8,780.00 for an adjustment in the personnel costs. The Illinois EPA has determined that these costs are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). One of the overall goals of the financial review is to assure that costs associated with materials, activities and services are reasonable (35 Ill. Adm. Code 732.505(c)).

The amended High Priority Corrective Action Plan includes a summary of the corrective action excavation results (in tabular and raw form), copies of the manifests and weight tickets, photographs of the corrective action excavation, a model of the benzene contamination in wall sample W-12, five updated/new figures, a proposal for a Highway Authority Agreement and an amended High Priority Corrective Action Plan Budget.

The personnel and hours associated with the preparation of the amended plan and budget are unreasonable. As far as the Illinois EPA is concerned, the Professional Geologist is duplicating the efforts of the Professional Engineer, the Environmental Specialist and the Project Coordinator are duplicating the efforts of the Project Manager and the Remediation Project Manager is duplicating the efforts of the Project Manager. A Project Manager, Draftsman, Clerical employee and Professional Engineer ought to be able to prepare the amended plan and budget. In addition, the Draftsman ought to be able to update/prepare five figures in an eight-hour day.

Note: The Illinois EPA considers the reimbursement package and budget tracking costs to be part of the approved High Priority Corrective Action Plan, Budget and Completion Report preparation costs. The Illinois EPA has already approved sufficient monies for preparation of the High Priority Corrective Action Plan, Budget and Completion Report.

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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
217/782-5544



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

February 15, 2005

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
Attn: John Kim

Re: **LPC# 0230105033 – Clark Co.
Ye Olde Glass Shoppe
802 Archer Avenue
LUST Incident No. 990233**

RECEIVED
Division of Legal Counsel
FEB 16 2005
Environmental Protection
Agency

To Whom It May Concern:

United Science Industries, Inc. (USI), on behalf of our client Ye Olde Glass Shoppe, is requesting a 90-day extension to the 35-day appeal period in regards to the IEPA correspondence dated January 27, 2005, which is included.

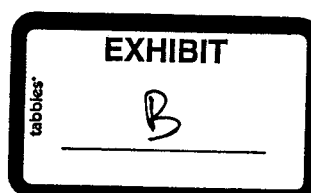
I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411, extension 129

Sincerely yours,

UNITED SCIENCE INDUSTRIES, INC.

John Kroeger
Project Manager

Enclosures



CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 4, 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

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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Assistant Counsel
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