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APR 26 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

Stoller International, Inc., )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 05- 190  
(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

Douglas E. Liniger, L.P.G., Project Coordinator  
Andrews Environmental Engineering, Inc.  
3535 Mayflower Blvd.  
Springfield, Illinois 62707

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: April 22, 2005

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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 July 21, 2005, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On March 17, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On April 14, 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. Upon information and belief the Petitioner did receive the information on March 18, 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: April 22, 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 1258 7447

**MAR 17 2005**

Stoller International, Inc  
 Attn: Lynn Stoller  
 15521 East 1830N Road  
 Pontiac, Illinois 61764

Re: LPC #1050605044 -- Livingston County  
 Pontiac/ Stoller International, Inc.  
 15521 East 1830N Road  
 LUST Incident No. 980372  
 LUST Technical File

Dear Mr. Stoller:

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 29, 2004, was received by the Illinois EPA on November 17, 2004. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is rejected for the reason(s) listed in Attachment A (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

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.

**EXHIBIT**

A

PRINTED ON RECYCLED PAPER

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-6000  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-6000  
 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

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  
 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
 (618) 993-7200

Page 2

If you have any questions or need further assistance, please contact Lizz Schwartzkopf at 217/557-8763.

Sincerely,

*Hernando A. Albanain*  
for Harry A. Chappel, P.E.

Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAC:LS

Attachment: Attachment A  
Appeal Rights

c: Andrews Engineering  
Division File

## Attachment A

Re: LPC # 1050605044 -- Livingston County  
Pontiac/ Stoller International, Inc.  
15521 East 1830N Road  
LUST Incident No. 980372  
LUST Technical File

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

1. The budget includes costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). A corrective action plan budget for a site classified as high priority 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)).

The hours for the tasks listed appear to be excessive. Please provide justification for the number of hours requested, particularly the hours requested for TACO calculations, modeling, illustrations, spreadsheet and report review and P.E. Hours.

2. 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 budget includes costs that are not reasonable as submitted (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs are reasonable.

See item 1. above.

The previous CACR denial only requested calculation of TACO modeling to the nearest (southern ) property boundary and verification that additional institutional controls would not be necessary for this site. A new P.E. Cert and Owner/Operator Summary would be required with dates after the additional review. A large report is not required, only the information needed to verify the off-site property will not be affected by the remaining contamination or the appropriate institutional controls if it is affected by remaining contamination.

HAC:LS

### 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



ANDREWS ENVIRONMENTAL ENGINEERING INC. 3535 Mayflower Blvd., Springfield, Illinois 62707/(217) 787-2334

April 14, 2005

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

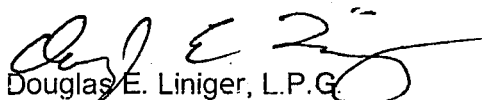
re: LPC No. 1050605044 – Livingston County  
Pontiac / Stoller International, Inc.  
15521 East 1830 N Road  
LUST Incident No. 980372  
LUST Technical File:

Dear Sir or Madam:

On behalf of Stoller International, Inc., Andrews Environmental Engineering, Inc. is requesting an extension to the 35-day appeal period. The extension is requested to May 17, 2005. Our response to the March 17, 2005 Illinois Environmental Protection Agency (Illinois EPA) is nearly complete. However, due to the necessity to secure appropriate signatures, we are concerned about the potential of the Illinois EPA receiving our response and request for a second evaluation of our previous submittal after the 35-day appeal period has expired.

We appreciate your cooperation in this matter. Should you have questions or comments, please feel free to contact me.

Sincerely,

  
Douglas E. Liniger, L.P.G.  
Project Coordinator

DEL:lkj

cc: Ms. Elizabeth Schwartzkopf, Illinois EPA

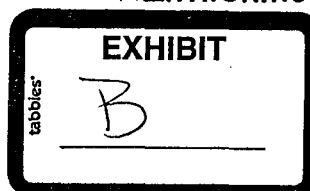
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APR 18 2005

Environmental Protection  
Agency

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FAX: (217) 787-9495



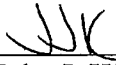
**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on April 22, 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

Douglas E. Liniger, L.P.G., Project Manager  
Andrews Environmental Engineering, Inc.  
3535 Mayflower Blvd.  
Springfield, Illinois 62707

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
\_\_\_\_\_  
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