

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JUN 10 2005

STATE OF ILLINOIS
Pollution Control Board

ROBERT BENNETT,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 05- 208
(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

Walter Karla
Benchmark Environmental Services, Inc.
P.O. Box 824
Antioch, IL 60002

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: June 8, 2005

RECEIVED
CLERK'S OFFICE

JUN 10 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ROBERT BENNETT,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB No. 05- 208
(LUST Appeal – Ninety Day Extension)

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 September 13, 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 May 9, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On May 17, 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. Tracking information based on the Certified Mail number indicates that the final decision was received on May 11, 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: June 8, 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 1108 4442

MAY 09 2005

Mehar Petromart, Inc.
Attn: Jaswant Arora
901 Sheridan Road
Winthrop Harbor, Illinois 60096

Re: LPC #0971955011 -- Lake County
Winthrop Harbor/Bennett, Robert
901 Sheridan Road
LUST Incident No. 991680
LUST Technical File

Dear Mr. Arora:

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 September 3, 2004, was received by the Illinois EPA on April 19, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

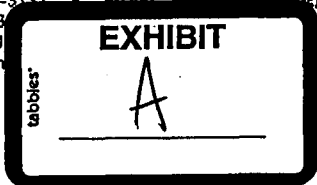
The budget is rejected for the reason(s) listed in Attachment A (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.405(c) and 732.503(b)).

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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • Des PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 545 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463 • CHAMPAIGN - 5 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397 • COLLINSVILLE - 701 S. Main Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main Street, Marion, IL 62959 - (618) 993-7200



Page 2

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 Valerie Davis at 217-785-7492.

Sincerely,

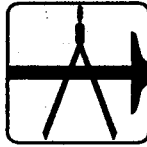
Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

CLW:VAD\

Attachment: Attachment A
Appeal Rights

c: Benchmark Environmental Services, Inc.
Division File



BENCHMARK ENVIRONMENTAL SERVICES, INC.

May 17, 2005

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

**Re: LPC # 0971955011 – Lake County
Winthrop Harbor / Bennett Robert
901 Sheridan Road
Winthrop Harbor, Illinois
LUST Incident Nos. 991680
LUST Technical File**

To Mr. Kim:

Concerning the IEPA's response letter dated May 9, 2005 regarding the above-mentioned LUST site, Benchmark as the consultant for the property owner hereby requests that a 90 day extension be awarded in order for our client to compile information to appeal the Agency's decision.

If you should have any questions regarding this report, please feel free to contact the undersigned at 1-800-400-5811.

Respectfully,

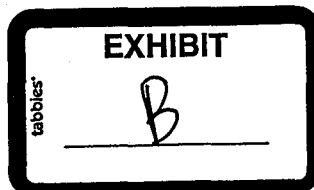
Benchmark Environmental Services, Inc.

Walter Karla, CHMM
Vice President – Remediation / Risk Assessment

RECEIVED
Division of Legal Counsel

MAY 23 2005

Environmental Protection
Agency



P.O. Box 824
Antioch, IL 60002

800-400-5811
Phone: (847) 838-5811
Fax: (847) 838-5815

P.O. Box 265
Trevor, WI 53179-0265

RECEIVED
CLERK'S OFFICE

CERTIFICATE OF SERVICE

JUN 10 2005

I, the undersigned attorney at law, hereby certify that on June 8, 2005, I delivered to the Illinois Pollution Control Board 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

Walter Karla
Benchmark Environmental Services, Inc.
P.O. Box 824
Antioch, IL 60002

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)