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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

JAN 13 2006

STATE OF ILLINOIS
Pollution Control Board

GOODWIN MOBIL SERVICE,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06- 128
(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

Eric M. Andrews
Environmental Management, Inc.
1154 North Bradforton Road
Springfield, IL 62711

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: January 11, 2006

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ILLINOIS ENVIRONMENTAL)
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Respondent.)

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(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 April 17, 2006, or any other date not more than a total of one hundred twenty-five (125) days from the date of the Illinois EPA’s final decision. The 125th day is April 16, 2006, a Sunday, and the next business day is April 17, 2006. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 8, 2005, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On December 13, 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 the final decision was received on December 12, 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: January 11, 2006

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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

DEC 08 2005

CERTIFIED MAIL #

7004 2510 0001 8648 6378

Ms. Muriel Goodwin
Goodwin Mobil Service
c/o Environmental Management, Inc
1154 N. Bradfordton Road
Springfield, Il 62711

Re: LPC #1350455021 -- Montgomery County
Nokomis/Goodwin Mobil Service
112 North Spruce Street
LUST Incident No. 991407
LUST FISCAL FILE

Dear Ms. Goodwin:

The Illinois Environmental Protection Agency has completed the review of your application for payment from the Underground Storage Tank Fund for the above-referenced LUST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 732, Subpart F. This information is dated May 27, 2005 and was received by the Agency on June 20, 2005. The application for payment covers the period from January 13, 2005 to May 27, 2005. The amount requested is \$312,953.34.

The deductible amount for this claim is \$10,000.00. Two separate letters were sent from the Agency indicating that a portion of the deductible had been taken from each of the previous packages. The dates of the letters and the amounts applied to the deductible are March 19, 2004 (\$3,104.99) and October 5, 2005 (\$6,895.01). There are costs from this claim that are not being paid. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On October 27, 2005, the Agency received your complete application for payment for this claim. As a result of the Agency's review of this application for payment, a voucher for \$217,696.40 will be prepared for submission to the Comptroller's Office for payment as funds become available based upon the date the Agency received your complete request for payment of this application for payment. Subsequent applications for payment that have been/are submitted will be processed based upon the date complete subsequent application for payment requests are received by the Agency. This constitutes the Agency's final action with regard to the above application(s) for payment.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 988-1234
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-1234
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5463
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 993-7200
W. 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
9 Mall Street, Collinsville, IL 62234 - (618) 346-5120
18) 993-7200



An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.8(i) and Section 40 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 applicant 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:

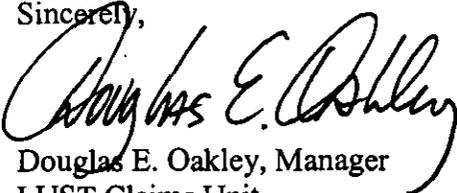
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217/782-5544

If you have any questions or require further assistance, please contact Susan Brock of my staff at 217/782-6762.

Sincerely,



Douglas E. Oakley, Manager
LUST Claims Unit
Planning & Reporting Section
Bureau of Land

DEO:SB:me\050234.doc

Attachment

Attachment A
Accounting Deductions

Re: LPC #1350455021 -- Montgomery County
Nokomis/Goodwin Mobil Service
112 North Spruce Street
LUST Incident No. 991407
LUST Fiscal File

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

Item # Description of Deductions

1. \$85,544.10, deduction for costs that lack supporting documentation (35 Ill. Adm. Code 732.606(gg)). Since there is no supporting documentation of costs, the Illinois EPA cannot determine that costs were not 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.) Environmental Control Systems, LLC, invoice #1079, dated May 20, 2005:

- a. Soil excavation, transportation and disposal. Disposal documentation was provided for only 2,281.28 cubic yards (\$56,923.20).
- b. Backfill material, transportation and placement. Backfill documentation was provided for only 1,867.10 cubic yards (\$28,620.90)

2. \$9,712.84, deduction for costs which are unreasonable as submitted. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh))

1.) Environmental Management, Inc., invoice #1108, dated May 27, 2005:

- a. Handling charge is being denied due to the contractor (Environmental Management, Inc.) having a person with a direct or indirect financial interest in the subcontractor (Environmental Control Systems, LLC). It is the Agency's position that handling charges are not warranted.

\$95,256.94 Total Accounting Deductions



ENVIRONMENTAL MANAGEMENT, INC.

Corporate Office

1154 N. Bradfordton Rd. • Springfield, IL 62711
217/726-9468 • 217/726-9472 (Fax)
Email: envmgnt@aol.com

Chicago Office

8522 Thistlewood Ct. • Darien, IL 60561
630/654-3333 • 630/910-6055 (Fax)

December 13, 2005

Mr. John Kim
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Re: LPC #1350455021 -- Montgomery County
Nokomis/Goodwin Mobil Service
112 North Spruce Street
LUST Incident #991407

Dear Mr. Kim:

On behalf of our client, Goodwin Mobil Service, Environmental Management, Inc. (EMI) requests a 90-day extension to file an appeal with the Illinois Pollution Control Board. The Agency's final decision in this matter was received on December 12, 2005. A copy of this decision is included with this submittal.

Should you have any questions or require anything further, please contact me at (217) 726-9468. Thank you.

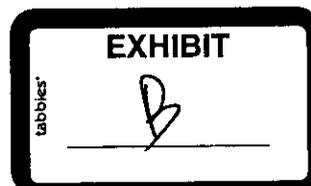
Sincerely,

Eric M. Andrews
Vice President
Environmental Management, Inc.

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DEC 14 2005
SECURITY

EMA:ea

Enclosure



ORIGINAL

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CLERK'S OFFICE

CERTIFICATE OF SERVICE

JAN 13 2006

I, the undersigned attorney at law, hereby certify that on January 13, 2006, I served by first class mail on the undersigned 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

Eric M. Andrews
Environmental Management, Inc.
1154 North Bradforton Road
Springfield, IL 62711

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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