

ORIGINAL

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JAN 13 2006

STATE OF ILLINOIS
Pollution Control Board

VIC KOENIG CHEVROLET,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06- 129
(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

Joel C. 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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**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. In support thereof, the Illinois EPA respectfully states as follows:

1. On December 12, 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 13, 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 G. 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 12 2005

CERTIFIED MAIL #

7004 2510 0001 8648 6521

Vic Koenig Chevrolet
Attn: Environmental Management
1154 North Bradfordton Road
Springfield, Illinois 62707

Re: LPC #0770155012 -- Jackson County
Carbondale/Vic Koenig Chevrolet, Inc.
1040 East Main Street
LUST Incident No. 950153
LUST FISCAL FILE

Dear Mr. Koenig:

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 July 31, 2005 and was received by the Agency on August 10, 2005. The application for payment covers the period from August 26, 2004 to August 4, 2005. The amount requested is \$170,680.12.

The deductible amount for this claim is \$10,000.00. The costs from the claim received by the Agency on April 22, 1996; \$5,189.06 were applied to the deductible. The balance of the deductible; \$4,810.94 was deducted from the claim received by the Agency on March 3, 2005 for \$28,467.60. Listed in Attachment A are the costs which are not being paid and the reasons these costs are not being paid.

On August 10, 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 \$163,647.50 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) 963-3300
ELGIN - 595 South State, Elgin, IL 60123 - (847) 693-3300
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-3300
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Main Street, Marion, IL 62959 - (217) 985-3300



1 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
University St., Peoria, IL 61614 - (309) 693-5463
2125 South First Street, Champaign, IL 61820 - (217) 278-5800
2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
- (618) 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:

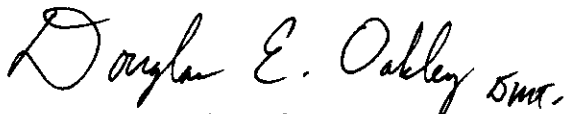
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Catherine S. Elston of my staff at 217/782-6762.

Sincerely,



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

DEO:CSE:m\050223.doc

Attachment

cc: Environmental Management, Inc.

Attachment A
Accounting Deductions

Re: LPC #0770155012 -- Jackson County
Carbondale/Vic Koenig Chevrolet, Inc.
1040 East Main Street
LUST Incident No. 950153
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. \$7,032.62, 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))

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

CSE:m1s\050224.doc



ENVIRONMENTAL MANAGEMENT, INC.

Corporate Office

1154 N. Bradfordton Rd. • Springfield, IL 62711
217/726-9468 • 217/726-9472 (Fax)
Email: envmngnt@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 #0770155012 -- Jackson County
Carbondale/Vic Koenig Chevrolet
1040 East Main Street
LUST Incident #950153

Dear Mr. Kim:

On behalf of our client, Vic Koenig Chevrolet, 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 13, 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,

Joel C. Andrews
President
Environmental Management, Inc.

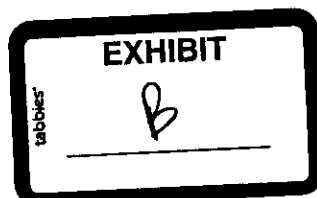
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SECURITY DESK

JCA:ja

Enclosure



ORIGINAL

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CLERK'S OFFICE

JAN 13 2006

CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I, the undersigned attorney at law, hereby certify that on January 11, 2006, 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

Joel C. Andrews
Environmental Management, Inc.
1154 North Bradforton Road
Springfield, IL 62711

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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