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JAN 13 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ARLYN'S SERVICE CENTER,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06- 130
(LUST Appeal – Ninety Day Extension)

NOTICE

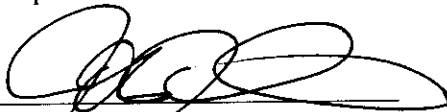
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06-130
(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 13, 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 7, 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 9, 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
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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 07 2005

CERTIFIED MAIL #
7004 2510 0001 8648 6316

Arlyn Fisk Service Center
Attn: Arlyn
1154 North Bradfordton Road
Springfield, IL 62711

Re: LPC #1570355006 -- Randolph County
Percy/Arlyn's Service Center
210 East Pine
LUST Incident No. 20050237
LUST FISCAL FILE

Dear Mr. Fisk:

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 6, 2005 and was received by the Agency on July 19, 2005. The application for payment covers the period from February 15, 2005 to May 27, 2005. The amount requested is \$20,410.10.

The deductible amount to be assessed on this claim is \$10,000.00. Listed in Attachment A are the costs that are not being paid and the reasons these costs are not being paid.

On July 19, 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 cannot be prepared for submission to the Comptroller's office 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.

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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 398-2300
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-2300
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (312) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 782-3397
MARION - 2309 W. Main Street, Marion, IL 62959 - (618) 993-7200
MOUNTAIN VIEW - 1115 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
PEORIA - 25 South First Street, Champaign, IL 61820 - (217) 278-5800
TOLLAND - 109 Mall Street, Collinsville, IL 62234 - (618) 346-5120
VANDERBILT - 1115 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000



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:

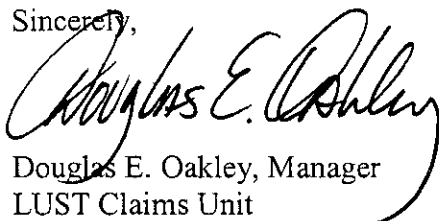
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

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 Eric Kuhlman of Harry Chappel's staff at 217/782-6762.

Sincerely,



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

DEO:CSE:me\050241.doc

Attachment

cc: Environmental Management, Inc.

Attachment A
Technical Deductions

Re: LPC #1570355006 -- Randolph County
Percy / Arlyn Fisk's Service Center
210 East Pine Street
LUST Incident No. #20050237
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. None of the costs incurred from 2/15/2005 to 5/27/2005, are eligible for reimbursement. Since these costs are unreasonable as submitted. (Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(hh))

The Illinois EPA cannot determine whether a release occurred, prior to those activities performed on 9/26/2005. As such, none of the costs incurred prior to 9/26/2005, are eligible for reimbursement, since a petroleum release cannot be confirmed based solely on PID readings.

2. \$831.50, adjustment in the handling charges due to the deduction(s) of ineligible costs (Section 57.8(f) of the Act and 35 Ill. Adm. Code 732.607).

The handling charges incurred by ECS are denied, since the invoices submitted require further time and personnel itemization (i.e. breakdown). Therefore, the Illinois EPA will require additional invoices be submitted from EMI and ECS with the following information: employee names, hourly rates, dates, and hours worked.

EK:EK\



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 #1570355006 -- Randolph County
Percy/Arlyn's Service Center
210 East Pine
LUST Incident #20050237

Dear Mr. Kim:

On behalf of our client, Arlyn's Service Center, 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 9, 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.

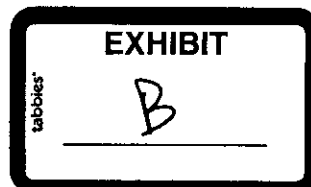
Sincerely,

Joel C. Andrews
President
Environmental Management, Inc.

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DEC 14 2005
SECURITY DESK

JCA:ja

Enclosure



ORIGINAL

RECEIVED
CLERK'S OFFICE

JAN 13 2006

STATE OF ILLINOIS
Pollution Control Board


CERTIFICATE OF SERVICE

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,
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