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FEB 16 2006

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

BRENDA GEORGE BRYANT, )  
Petitioner, )  
v. )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

PCB No. 06- 138  
(LUST Appeal - Ninety Day Extension)

NOTICE

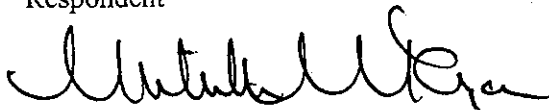
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Matt Cherry, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

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



Michelle M. Ryan  
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: February 15, 2006

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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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, Michelle M. Ryan, 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 May 22, 2006, 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 January 12, 2006, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A) Pursuant to United States Postal Service records, that decision was delivered to Petitioner on January 17, 2006.

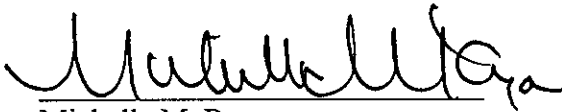
2. On January 18, 2006, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. (Exhibit B)

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



Michelle M. Ryan  
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: February 15, 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

CERTIFIED MAIL

JAN 12 2006

7004 2510 0001 8653 8978

Brenda George Bryant
103 East 5th St.
Metropolis, IL 62960

Re: LPC# 1270155052 -- Massac County
Metropolis/Brenda George Bryant
500 Ferry St.
LUST Incident No. 20020951
LUST Technical File

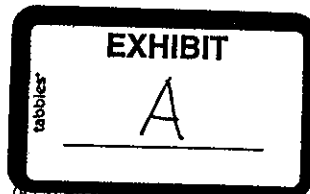
Dear Ms. Bryant:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Corrective Action Plan Budget submitted for the above-referenced incident. This budget, dated September 26, 2005, was received by the Illinois EPA on October 3, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The budget is modified pursuant to Sections 57.7(b)(3) and 57.7(c) of the Act and 35 Ill. Adm. Code 732.503(b). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of reimbursement may be limited by Sections 57.8(d), 57.8(e), and 57.8(g) of the Act, as well as 35 Ill. Adm. Code 732.606(s) and 732.611.

If the owner or operator agrees with the Illinois EPA's modifications, submittal of an amended plan and/or budget, if applicable, is not required (Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f)). Additionally, pursuant to Section 57.8(a)(5) of the Act, if reimbursement will be sought for any additional costs that may be incurred as a result of the Illinois EPA's modifications, an amended budget must be submitted.

Pursuant to Sections 57.7(b)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 732.100 and 732.105, the Illinois EPA requires that a Corrective Action Completion Report that achieves compliance with applicable remediation objectives be submitted within 30 days after completion of the plan to:



RELEASABLE

JAN 20 2006

REVIEWER MD

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 397-7700
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131
PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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

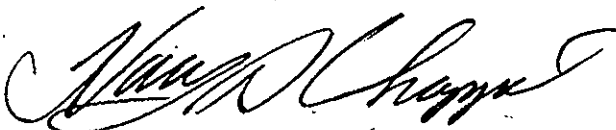
Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

Please note that, if within four years after the approval of this plan, compliance with the applicable remediation objectives has not been achieved and a Corrective Action Completion Report has not been submitted, the Illinois EPA requires the submission of a status report pursuant to Section 57.7(b)(6) of the Act.

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 Jason Donnelly at (217) 557-8764.

Sincerely,



Harry A. Chappel, P.E.  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAC:JD\020951-cap.bud#2.doc

Attachments: A  
Appeal Rights

c: United Science Industries, Matt Cherry  
Division File

Attachment A

Re: LPC #1270155052 -- Massac County  
Metropolis/Bryant, Brenda  
500 Ferry St.  
LUST Incident No. 20020951  
LUST Technical File

Citations in this attachment are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

**SECTION 1**

The budget was previously approved for:

\$3,020.20	Investigation Costs
\$12,832.00	Analysis Costs
\$18,440.00	Personnel Costs
\$800.00	Equipment Costs
\$93,143.00	Field Purchases and Other Costs
\$21.60	Handling Charges

As a result of the Illinois EPA's modification(s) in Section 2 of this Attachment A, the following amounts have been approved:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$0.00	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs
\$600.00	Handling Charges

Therefore, the total cumulative budget is approved for:

\$3,020.20	Investigation Costs
\$12,832.00	Analysis Costs
\$18,440.00	Personnel Costs
\$800.00	Equipment Costs
\$93,143.00	Field Purchases and Other Costs
\$621.60	Handling Charges

**SECTION 2**

1. In accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(b), any action by the Illinois EPA to disapprove or modify a plan or budget submitted pursuant to Title XVI of the Act shall be provided to the owner or operator in writing within 120 days of receipt.

The Illinois EPA previously notified the owner or operator of its final action. Further, in accordance with Section 57.7(c)(4) of the Act and 35 Ill. Adm. Code 732.503(f), the Illinois EPA's action to reject or require modification of the plan or budget, or the rejection of any plan or budget by operation of law, was subject to appeal to the Illinois Pollution Control Board within 35 days after the Illinois EPA's final action.

HAC:JD\020951-cap.bud#2.A

## 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



7004 2510 0001 8653 8978

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To: **Brenda George Bryant**  
**103 East 5<sup>th</sup> Street**  
**Metropolis, IL 62960**

PS Form 3800, June 2002 See reverse for instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Brenda George Bryant**  
**103 East 5<sup>th</sup> Street**  
**Metropolis, IL 62960**

2. Article Number  
 (Transfer from service label)

**2002 0951 HAC/JP**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
*K. Whitthorne*

B. Received by (Printed Name) **K. Whitthorne**  
 C. Date of Delivery **1-17-05**

D. Is delivery address different from Item 1?  Yes  
 No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**7004 2510 0001 8653 8978**

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Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Illinois Environmental Protection Agency

P.O. Box 19276 Mail Code #

Springfield, IL 62794-9276





**MAILED**  
1/25/06 *de*

P.O. Box 380  
6295 East Illinois Highway 15  
Woodlawn, Illinois 62898-0380

Phone: (618) 735-2411  
Fax: (618) 735-2807  
E-Mail: [unitedscience@unitedscience.com](mailto:unitedscience@unitedscience.com)

January 18, 2006

Illinois Environmental Protection Agency  
BOL-Division of Remediation Management  
LUST Section  
1021 North Grand Avenue East  
Springfield, IL 62792-9276  
Attn: Jason Donnelly

Re: **LPC# 1270155052-Massac County  
Metropolis/Brenda George Bryant  
LUST Incident No. 20020951  
Project #1802058  
LUST Technical File**

Dear Mr. Donnelly:

United Science Industries, Inc. (USI), on behalf of Brenda George Bryant, request a 90-day extension of the review deadline for the Amended Corrective Action Plan and Budget currently under review for the above-referenced site.

I appreciate your time and consideration in this matter. If you have any questions or comments regarding this matter please contact me at (618) 735-2411 extension 185.

Sincerely,

Matt Cherry  
Project Manager  
United Science Industries, Inc.

Enclosures  
MC:srb

Confirmation Services	Package	<b>EXHIBIT</b>  <span style="font-size: 2em;">B</span>	RECEIVED	SEARCHED
	Destination		INDEXED	SERIALIZED
	Recipient Address		PBP Account # 4147685	
			Serial #: 2344202	
			JAN 25 2006 10 38	

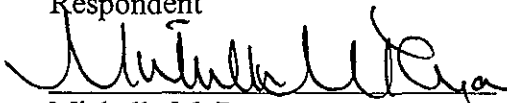
## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 15, 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

Matt Cherry, Project Manager  
United Science Industries  
P.O. Box 360  
6295 East Illinois Highway 15  
Woodlawn, IL 62898-0360

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent



Michelle M. Ryan  
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)