

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

AUG 02 2007

STATE OF ILLINOIS
Pollution Control Board

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

08-14
PCB 07-
(LUST Appeal - Ninety Day
Extension)

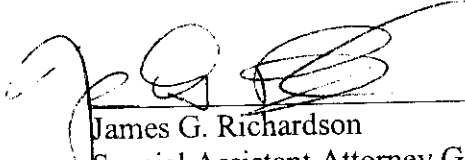
NOTICE

Dorothy Gunn
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Tyler Sink
United Science Industries, Inc.
P.O. Box 360
Woodlawn, Illinois 62898

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Special Assistant Attorney General

Dated: July 31, 2007
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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DALE'S SERVICE,)
Petitioner,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

08-14
PCB No. 07
(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, James G. Richardson, 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 November 12, 2007, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

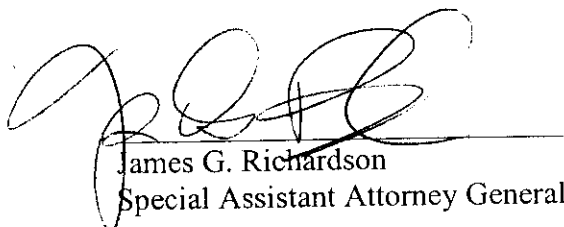
1. On July 5, 2007, the Illinois EPA issued a final decision to the Petitioner.
2. On July 25, 2007, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on July 10, 2007.

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



James G. Richardson
Special Assistant Attorney General

Dated: July 31, 2007

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

1P04077-73

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

RECEIVED

CERTIFIED MAIL

JUL 05 2007

JUL 05 2007

7004 2510 0001 8619 7618

BY: ST/AA

Dale Webb
600 West Blanks Road
Wickliffe, KY 42087

Re: LPC #1270155061 -- Massac County
Metropolis/Dale's Service
410 West 10th Street
Leaking UST Incident No. 20050150
Leaking UST Technical File

Dear Mr. Webb:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended Site Investigation Budget (amended budget) submitted for the above-referenced incident. This amended budget, dated June 8, 2007, was received by the Illinois EPA on June 11, 2007. 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 proposed amended budget is modified pursuant to Sections 57.7(a)(2) and 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(b). The modifications are listed in Section 2 of Attachment A. The maximum amounts that can be paid from the Fund must be determined in accordance with Subpart H of 35 Ill. Adm. Code 734 (35 Ill. Adm. Code 734.310(b)). Please be advised that costs associated with materials, activities, and services must be reasonable, must be consistent with the associated technical plan, must be incurred in the performance of corrective action activities, must not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations, and must not exceed the maximum payment amounts set forth in Subpart H, Appendix D, and Appendix E of Part 734 (Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.510(b)).

NOTE: Pursuant to Section 57.8(a)(5) of the Act, if payment from the Fund 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. Amended plans and/or budgets must be submitted and approved prior to the issuance of a No Further Remediation (NFR) Letter. Costs associated with a plan or budget that have not been approved prior to the issuance of an NFR Letter will not be paid from the Fund.

Pursuant to Sections 57.7(a)(5) and 57.12(c) and (d) of the Act and 35 Ill. Adm. Code 734.100 and 734.125, the Illinois EPA requires submittal of a Site Investigation Completion Report within 30 days after completing the site investigation to:

- 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 - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
- BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462
- 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

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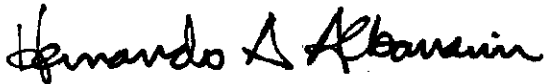
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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

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 the Illinois EPA project manager, Steve Jones, at 217/524-1253.

Sincerely,



Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA: SJ Dale's Service 20050150 Amend SIP budget Jun 07.doc

Attachment: Attachment A
Appeal Rights

c: United Science Industries.
BOL File

Attachment A

Re: LPC #1270155061 -- Massac County
Metropolis/Dale's Service
410 West 10th Street
Leaking UST Incident No. 20050150
Leaking UST Technical File

SECTION 1

The budget was previously approved for:

\$14,874.40	Investigation Costs
\$5,322.00	Analysis Costs
\$22,338.00	Personnel Costs
\$1,450.00	Equipment Costs
\$1,030.30	Field Purchases and Other Costs

As a result of review of the budget at-hand and the Illinois EPA's modification(s) in Section 2 of this attachment, the following amounts are approved:

\$0.00	Investigation Costs
\$0.00	Analysis Costs
\$2,210.00 ✓	Personnel Costs
\$0.00	Equipment Costs
\$0.00	Field Purchases and Other Costs

Therefore, the total cumulative budget is approved for:

\$14,874.40 ✓	Investigation Costs
\$5,322.00 ✓	Analysis Costs
\$24,548.00 ✓	Personnel Costs
\$1,450.00 ✓	Equipment Costs
\$1,030.30 ✓	Field Purchases and Other Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.607.

SECTION 2

1. \$2,878.12 for Senior Project Manager, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

\$2,850.00 was previously approved by the Illinois EPA on September 27, 2005 for Project Manager Site Investigation Work Plan and Budget writing and data review. \$3,200.00 was

previously approved by the Illinois EPA on August 10, 2006 for Senior Project Manager for Amended Site Investigation Plan and Budget writing.

2. \$493.36 for Senior Draftsman/CAD, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

\$605.00 was previously approved by the Illinois EPA on September 27, 2005 for Draftsman for mapping and figures and updates. \$480.00 was previously approved by the Illinois EPA on August 10, 2006 for Senior Draftsman/CAD for CAD maps for development of SIWP map and figures.

3. \$678.36 for Senior Accounting Technician, which exceed the minimum requirements necessary to comply with the Act. Costs associated with site investigation and corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.630(o).

\$650.00 was previously approved by the Illinois EPA on September 27, 2005 for Project Coordinator for reimbursement package prep and purchase agreement. \$550.00 was previously approved by the Illinois EPA on August 10, 2006 for Senior Account Tech for reimbursement package preparation, owner certification and budget tracking.

SJDale's Service 20050150 Amend SIP budget Jun 07.doc

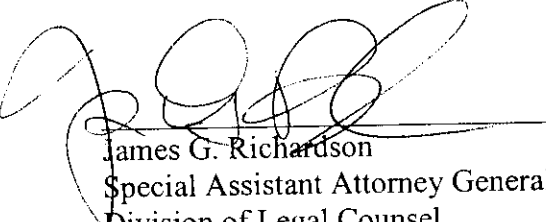
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 31, 2007 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Tyler Sink
United Science Industries, Inc.
P.O. Box 360
Woodlawn, Illinois 62898

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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